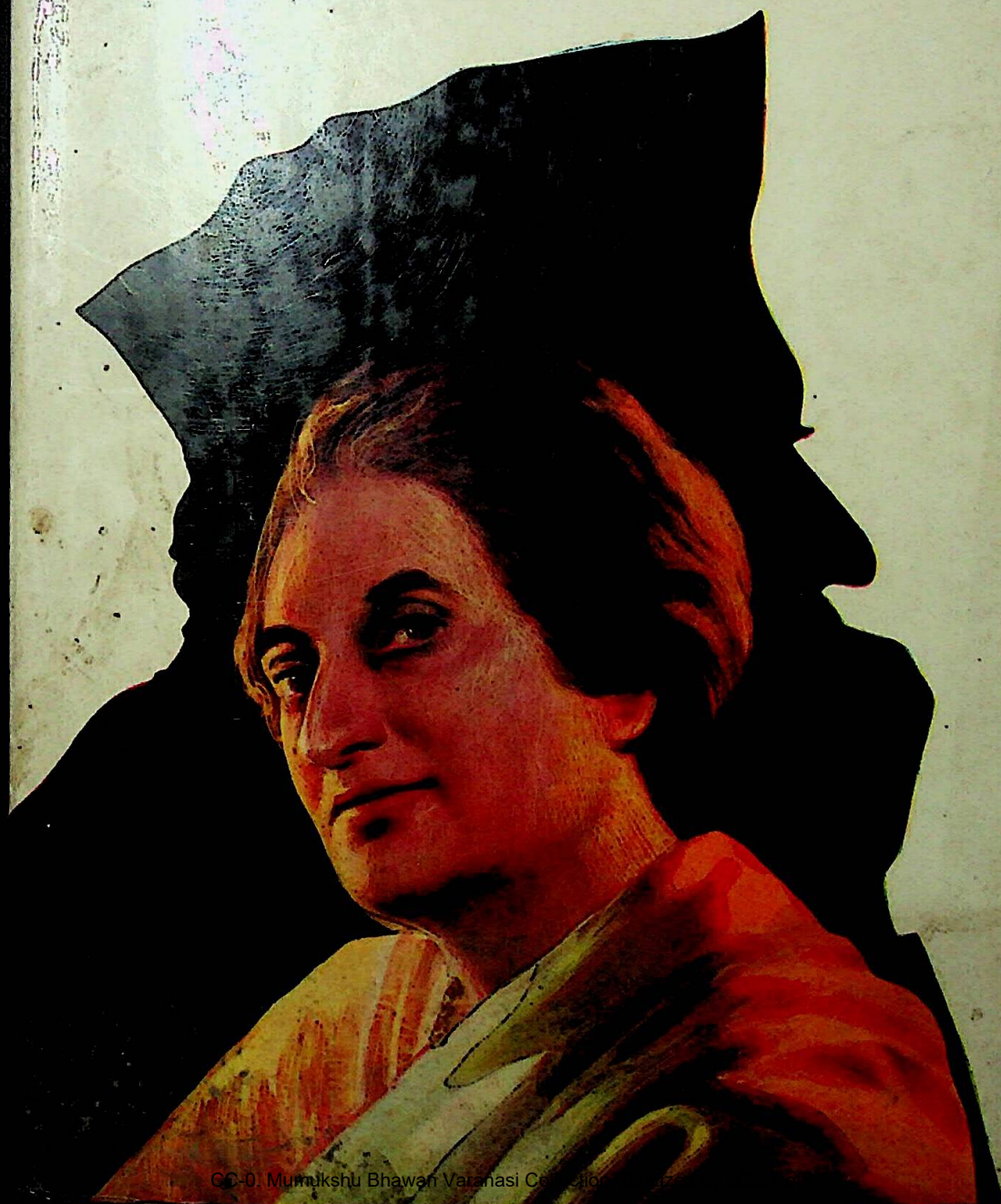


MY COUNTRY AND MY RULERS

V. B. KULKARNI



ABOUT THE BOOK

As explained by the Author in the Preface, this book was originally intended to consist of only nine chapters. Two chapters were, however, added later to bring the story of the momentous happenings in the country since 1975 uptodate.

Like many of his countrymen, the Author had doubted the future of parliamentary democracy in the country in the absence of a stable division of the political life on party lines. The birth of the Janata Party and the assumption of power by it at the Centre in March 1977 have given a new and welcome turn to the Indian constitutional democracy.

The book deals with the Allahabad High Court's verdict on Mrs. Indira Gandhi's election to the Lok Sabha in 1971 and the subsequent developments that culminated in the imposition of emergency rule in June 1975. The terrible happenings during that period and the reasons for Mrs. Gandhi's decision to hold elections to the Lok Sabha in March 1977 are fully discussed. The Author holds that the Congress debacle in the elections and the formation of the first non-Congress Ministry at the Centre inspire hopes of a stable future for democracy in the country.

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MY COUNTRY AND MY RULERS

By

V. B. KULKARNI



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PREFACE

Originally it was intended that this book should consist of only nine chapters. Copies were accordingly printed but the book could not be published following the imposition of emergency rule. The return of democracy to the country has made the publication of the book possible after it lay dormant for nearly two years. Two additional chapters have been written to bring the story of the momentous happenings in the country uptodate. I request the reader to bear the chequered career of the book in mind when going through it.

I am much obliged to my wife, Mrs. Nirmala V. Kulkarni, for preparing the index and to Mr. V. A. E. Rasquinha for his help.

V. B. Kulkarni

INTRODUCTION

For many years past, there has been a dangerous drift in the affairs of India. The country is passing through a grave moral and physical crisis. At no time were its people so dispirited or demoralised as they are today. Poverty, starvation, unemployment, crime and violence are stalking the land without let or hindrance. The rulers of free India have proved themselves to be utterly incompetent to grapple with the country's problems. Most of them are distinguished neither for their personal integrity nor for their intellectual eminence. Superficiality and lust for power and wealth are their noteworthy qualities. The suffering of the country under their misrule has reached such staggering proportions that one is tempted to cry in despair, as a famous foreign writer did in his own motherland, that the place of all thinking persons is in prison.

India certainly did not bargain for such a dismal dispensation when she struggled for her political independence. Hundreds and thousands of her sons and daughters sacrificed their all, many of them courting martyrdom cheerfully, in the hope and belief that a liberated India would sincerely strive for and succeed in emancipating her masses from the triple curse of poverty, disease and ignorance. The more enthusiastic ones among them trusted that independent India would not take long to win her rightful place among the leading powers of the world.

Mahatma Gandhi, whose whole life was a saga of sacrifice for the common man, conceived of free Indian polity in terms of Ramarajya. This is the picture of the country under the government of Rama, the man-god, as painted by poets and bards:

"And 'tis told by ancient sages, during Rama's happy reign,
Death untimely, dire diseases, came not to his subject men;
Widows wept not in their sorrow for their lords untimely lost,
Mothers wailed not in their anguish for their babes by Yama
crost;

Robbers, cheats and gay deceivers tempted not with lying
word,

Neighbour loved his righteous neighbour, and the people loved
their lord,

Trees their ample produce yielded as returning seasons went,
And the earth in grateful gladness never-failing harvest lent,
Rains descended in their season, never came the blighting
gale,
Rich in crop and rich in pasture was each soft and smiling
vale,
Loom and anvil gave their produce, and the tilled and
fertile soil,
And the nation lived rejoicing in their old ancestral toil”

Cambridge and the only son of an affluent father, his advent to national politics had all the novelty of Prince Siddhartha's renunciation of the world. A radical both by temperament and by conviction, he had no great faith in God or religion. He, however, fervently believed that the true purpose of life lay in the service of one's fellowmen. He was essentially concerned with the emancipation of human personality from political and social bondage.

It is small wonder that both from the days of national struggle and for many years after he became the first Prime Minister of free India Nehru was looked upon as the *beau ideal* of both the classes and the masses. Commanding wide popularity and addressing himself to his new task with the fervour of a crusader, he inspired confidence that the fate and future of the country was in trusted hands. Perhaps, his crusading zeal for a new order would have been tempered by a good measure of moderation and realism if his discovery of India had given him a true insight into the complexity of the country's problems. Immense in size and diversity, India has always been a problem country. Nehru's idealism and enthusiasm alone were not sufficient to grapple with its stupendous problems.

The partition of India did not merely mean the loss of territory and revenue, but it led to the creation of a neighbour which made no secret of its flaming hatred for this country. It also involved the influx of millions of displaced persons, most of whom had been rendered desperately poor and who clamoured for immediate resettlement. The task of bringing the five hundred odd States governed by the princes into India's wider unity was none too simple. Some of the principalities were of ancient origin with long martial traditions. Their rulers were in no mood to invite the dissolution of their historic dynasties. It was most fortunate that the responsibility for inspiring the Princely Order with patriotic fervour devolved on Sardar Patel, who, by utilising the persuasive style of the great American President, Abraham Lincoln, eventually succeeded in bringing about a bloodless revolution in the country. He rose to supreme heights of statesmanship in ensuring the integration of the States with remarkable smoothness and expedition. Perhaps, the story of Kashmir's accession to India would have been different if the issue had been handled by him and not by Nehru.

Long before national independence, the Congress had committed itself to give a new deal to the common man when it came into power. Nehru, as Prime Minister, was determined to redeem this pledge. While planned economic progress became an article of faith with him, his egalitarian enthusiasm and radiant ambiguities did not conduce to an orderly development of the economy on the basis of well-considered priorities. Agriculture and rural development received priority not in fact but in rhetoric. Nor was population control given the importance it deserved. It is small wonder, therefore, that the country has remained chronically deficit in food production, with the vast countryside presenting the spectacle of a social and economic wasteland. The unchecked growth of the population, besides plunging the masses into deeper penury, threatens to destroy the very stability of the country.

In his enthusiasm for socialism, Nehru developed a strange allergy to free enterprise. He refused to recognise the fact that the goods produced in the private sector are as much a national asset as those manufactured in the State-owned factories. "In both developing societies", says W. W. Rostov, the American economist, "and in more advanced societies, the most natural and fruitful relationship between public and private enterprise is one of partnership towards larger national purposes". The degree of preponderance that should be given to any one sector depends upon the circumstances and the requirements of each country. It is unfortunate that the Prime Minister could not be persuaded to appreciate the fact that the whole field of production, income and employment includes the two sectors and that a good economy depends on both being fully efficient and enterprising.

The fact that the type of planning he had opted for was going awry and that he was convinced about its deficiencies did not persuade Nehru to make a new and a more pragmatic approach to the problem of development. He believed that his handiwork would somehow yield the desired results and the certificates from foreign visitors, most of them spurious or self-seeking experts, fortified him in his conviction that he was indeed proceeding on right lines. "A long series of eminent or allegedly expert foreign visitors", says Walter Crocker, a former High Commissioner of Australia in India, who knew Nehru well, "most of them in India at the cost of the Indian or other tax-payers, added to

Nehru's myopia by assuring him that the Plans were good and realistic. Almost any visitor, with or without any relevant competence, just above the tourist level, could be sure to be written up in the Indian press if he praised the Plans".²

In his determination to put free enterprise in straight jacket, the Prime Minister allowed an unrestrained expansion of the bureaucracy. An army of rapacious officials was let loose on private business and industry, thus gravely undermining their eagerness and capacity for initiative and enterprise. The fact that persons engaged in these professions could also be patriotic and honest was not given serious consideration. They were all treated as suspects and even legitimate profits, without which no concern can survive, were condemned as anti-social. The entrepreneurs were given no opportunity to acquire a real sense of participation in the great enterprise of national development.

Such a policy put a premium on dishonesty and corruption. It paved the way for an enormous increase in both political and administrative corruption. The plan for founding the Ramarajya of Mahatma Gandhi's conception was thoroughly distorted until it took the shape of what C. Rajagopalachari described as the license and permit Raj. Red-tapism was allowed to grow in all its chaotic exuberance till it could cause the strangulation of honest enterprise. Repeated warnings about the growth of corruption and other malpractices and about their capacity to reduce economic development to a chimera went unheeded.

Nehru was most stubborn in refusing to admit the existence of this evil. A number of competent persons, including the President of the Union, tried in vain to wean him from his complacency. Prominent among those who crusaded for a clean and efficient public administration was Dr. C. D. Deshmukh whose own career as a civilian, administrator and minister, was remarkable as much for its uprightness as for its brilliance.

While delivering a memorial lecture in 1959, he called attention to the existence of widespread corruption and nepotism in the country. He said: "An uneasy public hears of nepotism (still very common), high-handedness, gerry-mandering, feathering of nests through progeny and a dozen other sins of commission and

² *Nehru: A Contemporary's Estimate* by Walter Crocker, George Allen and Unwin, 1966, p. 83.

omission, and yet is helpless for lack of precise data, facts and figures, evidence and proof". He urged that in order to meet such a situation a commission should be set up to investigate complaints and to report on them. If such a body was established, he offered to lodge half a dozen complaints himself.

The President, Dr. Rajendra Prasad, warmly welcomed Deshmukh's proposals and commended them to Nehru. At his request, his plain-speaking ex-Finance Minister sent him copies of the speeches he had made against the prevalent malpractices. Let Deshmukh himself tell the rest of the story: "He (the Prime Minister) did not seem interested in the institutional aspect, but wanted me to give him the details of the information I had involving charges of corruption against Ministers. I sent a list of seventeen cases but suppressed the names (Minister A at the Centre or Minister B in State X), explaining that if I gave out the names, except to a standing tribunal, the evidence would be destroyed. The Prime Minister made a grievance of this and at a party meeting at Bangalore he is reported to have said 'What can I do with Shri Deshmukh?' as if the issue was the investigation of my 'informations' and not the setting up of a standing commission".³ Nehru, who evidently believed that to admit the existence of corruption was a slur on his leadership of the Government, was thus responsible for the growth of this evil which has now become invincible.

Nehru, who was indifferent to personal possessions, was, however, drawn irresistibly towards power. He knew that his power would last only as long as he retained his popularity. He was, therefore, most careful in avoiding issues that threatened to undermine his popularity. The reorganisation of the states on linguistic lines after the merger of the areas ruled by the princes was certainly not among the first things that ought to have come first and yet he did not choose to stand firm on the issue.

He knew personally and had in his possession while reshaping the effect that if primacy was given to language while reshaping the country's administrative map it would lead to the worst form of linguism. He was also aware of the fact that under such a dispensation the predominant castes in the states would impose

³ *The Course of My Life* by C. D. Deshmukh, Orient Longman, July 1974, pp. 245-46.

their hegemony both on the public affairs and on their respective governments. Parochialism would thus gain ascendancy in the states and give rise to the suicidal "sons of the soil" doctrine. And yet he did nothing to stop these disintegrating forces although for well over a decade after his assumption of the Premiership of the country he enjoyed a plenitude of power and popularity. Conscious of their value in the elections, he allowed the Congress Chief Ministers to function as if they were the monarchs of their states.

India's foreign policy, as directed by Nehru, had also no relation to the country's needs. In his address to Columbia University in the United States on October 17, 1949, he said: "The main objectives of that policy are: the pursuit of peace, not through alignment with any major power or group of powers, but through an independent approach to each controversial or disputed issue; the liberation of subject peoples, the maintenance of freedom, both national and individual; the elimination of racial discrimination; and the elimination of want, disease and ignorance which affect the greater part of the world's population".

Much of what is embodied in this declaration of policy is unexceptionable, but it is not clear how a country like India, so heavily dependent upon foreign aid not only for its development but for its very survival, could afford to remain strictly neutral. He failed to appreciate the danger posed by Pakistan to India's security by its membership of military pacts and the thoroughness with which it was arming itself with gifted weapons. Nor could he see through the perfidy that lay concealed behind the Chinese gesture of friendship towards his country. His eyes were opened only when an overwhelming military disaster overtook this country in 1962. The plain fact is that Pandit Jawaharlal Nehru was an inveterate idealist whose preconceived notions and convictions paralysed his capacity for realism and for purposeful action.

As Prime Minister, Nehru held the country in fee for seventeen fateful years. During the convulsive period that followed the partition, his great personality saved the country from further dismemberment. He was also the father of Indian planning and yet his actual achievements were in no way commensurate with the expectations of the people or with his own promises. The suffering of the common man remained.

Nehru did not practice what he himself preached. In the days when he crusaded for national freedom, he declared that the Congress had no ambition to inherit power from the British. Writing in the *Daily Herald* of London on October 2, 1933, he said: "The Congress does not want any power for itself. I am sure that it will willingly abide by the decision of the constituent assembly, and even dissolve itself as soon as Indian political independence is achieved".⁴ How strange these words sound today! Nehru himself set no example in self-abnegation. He remained in office even when his physical and mental energy had been thoroughly depleted. The estimate of Nehru's Premiership by P. H. Patwardhan is conclusive since it was made by a man who refused to cash in on his devoted services to the country. "Pandit Nehru", he wrote, "will have much to answer for the present condition of anarchy that is spreading in the country."⁵

No right-thinking person is convinced about the soundness of Mrs. Indira Gandhi's credentials to be the supreme leader of the country. When she was inducted into the Premiership in 1966, through the machinations of some of the Old Guards of the ruling party, neither she nor even her most ardent admirers believed that the intractable problems of the country that had defied solution during her father's time would yield to her magic touch. Mrs. Gandhi is claimed to be clever. This is obvious enough. Perhaps, she has made other estimable qualities. While they have certainly helped her to perpetuate herself in power, they have proved to be singularly ineffective in grappling with the country's problems.

The panegyrists are free to sing the praise of the Prime Minister in superlative terms, but they should ask themselves honestly whether the country's distractions have not increased enormously since her assumption of its leadership. The Congress split of July 1969 was engineered, not to vindicate any exalted principle, but to assert the absolutism of the Prime Minister. A senior minister known for his ability, was unceremoniously thrown out of office along with several others. Such arbitrariness would perhaps have been condoned and even ap-

⁴ *Selected Works of Jawaharlal Nehru*, Volume Six, Orient Longman, 1974, p. 40.

⁵ *Jawaharlal: The Ecstasy and the Agony*, Lectures delivered at Poona University in 1966, p. 61.

plauded if it had yielded results beneficial to the country.

The masses were led to believe that the "purge" was a prelude to momentous happenings that would mark the end of their suffering, but very soon it exposed the smallness of the politicians and their sordid motives. The split has signally failed to improve the solidarity or the efficiency of the ruling party. More than ever before, it reeks of corruption, indiscipline and cynical opportunism. The fact that the entire winter session of Parliament in 1974 was taken up by the Opposition parties to unearth the import license scandal in which the Railway Minister, the late L. N. Mishra, was alleged to have been involved, proves how degraded Indian politics have become. Many upright officers, the salt of the earth, have lost their lives in doing their duty. Apart from the fact that incriminating evidence against the men in authority has a strange way of disappearing, guilty persons whose exposure is embarrassing to the ruling party are also put out of the way.

Such developments prove the gravity of the national *malaise*. They are the inevitable outcome of the unchecked growth of corruption, blackmarketing, smuggling and many other evils which have become a way of life in this country. Inevitably, the common man and the honest man suffer most under such a diseased dispensation. Both are oppressed by a horde of exploiters. The earnings of the common man are too meagre to buy for him even his most elementary needs under the present inflationary conditions. The food that is supplied is both inadequate and adulterated. The purity of even life-saving drugs and of babies' food is not guaranteed. Thanks to the bad example set by the rulers, India today has degenerated into a moral delinquent.

Only a simpleton or a sycophant can believe that the present rulers are capable of saving the situation. They are so thoroughly entrenched in power and have enjoyed it for so long that they have virtually lost all sense of right and wrong. They live like the Moghul grandees and yet call themselves the followers of Mahatma Gandhi, the man with the loin cloth! Convenient interpretation of the Constitution helps them to perpetuate themselves in power. There is none to teach them the errors of their ways or to dislodge them from the seats of authority.

All, except its beneficiaries and diehard jurists, are agreed that the system of parliamentary government has failed in India.

It has in fact become a snare and a delusion to the masses whose abysmal poverty and ignorance prevent them from appreciating the true significance of the vote. The Indian voter is no better than a flotsam drifting along the stream instead of being the regulator of the flow. He is entirely at the mercy of powerful and unscrupulous politicians who have reduced the vote into a saleable commodity and thus destroyed the very *raison d'être* of the elections. The Congress, which controls the levers of the governmental machinery and which has unlimited resources to fill its electoral war chest, is most responsible for degrading the Indian democracy.

The voter's incapacity to exercise his franchise wisely has made any stable division of the political life on sound party lines impossible. We have thus in India a "mono-party democracy" which is a complete negation of the Westminster system on which the Indian government is based. The two Houses of Parliament have become entrenched strongholds of a single party which in its turn is controlled by an oligarchy. No legislature in a parliamentary democracy can be potent and can operate as the ultimate authority in the absence of a powerful Opposition. Electoral reforms are necessary in this country but they cannot be a substitute for a powerful Opposition having the ability to provide an alternative to the Congress government. It is only then that the free institutions in the country will acquire real meaning and substance.

One can never say whether and when India will become a genuine democracy. The immediate task is to stem the present rot by making the ruling party accountable to some superior authority. The Parliament is in no position to assume this responsibility. There are other alternatives such as government by warriors, government by wealth or government by the wisest, the last as envisaged by Plato. But in the Indian context, none of these systems can prevail. Wisely or unwisely, India has adopted a certain type of constitution. The path of prudence lies, not in seeking its abrogation, but in making a constructive interpretation of its provisions to solve the problem of clean and efficient government. The principal aim of this book is to discuss how best this goal can be reached.

1. *ANCIENT INDIAN POLITY*

INDIA is a vast country with a large and a rapidly-growing population. The masses of the people are poor and illiterate. Poverty in India is indeed phenomenal. It has the most debilitating effect on the physical and mental energies of a large section of the population. A socially and economically backward people cannot have a true conception of the principles of democracy or of their potency to promote the commonweal. The power of the vote to change the fate and the future of a country is little understood by them. It is in the nature of things impossible to expect a people, afflicted with acute poverty and widespread ignorance, to appreciate the revolutionary significance of the term "one man, one vote, one value". India is acclaimed as the most populous democracy in the world, but it is a democracy which has achieved the unenviable distinction of using the ballot box as a millstone around the neck of its people. While in other politically-awakened countries adult franchise has widened and deepened the foundations of democracy, in India it has led to the distortion of the free institutions and to the acquisition of a monopoly of power by a single party.

Both historically and from contemporary experience, it is evident that the present system of government is most unsuited to Indian conditions. The Indian Constitution largely rests on the Westminster system which is a product of centuries of struggle in England between the Crown and the commoner for the transfer of political power. The dictum that the King in that country can do no wrong epitomises its entire constitutional history. The British King can do no wrong because he has no powers of any kind to use or to abuse. The sovereignty of the British Parliament is unchallenged everywhere in the realm.

The course of Indian history has been exactly in the opposite direction. From the beginning of the Aryan civilization, dating back to several millenniums before Christ, till the advent of the British Raj, India's knowledge and experience of government was based almost entirely on the monarchical system. Indian thinkers were second to none in their intellectual abilities. This is best borne out by their abiding contribution to human civilization.

These men, who could rise to the loftiest heights of philosophical speculation, produce immortal works of art and literature, and contribute significantly to the advancement of science and technology, were, however, content to advocate monarchy as the best form of government.

They did so under a compelling civil and military necessity. A vast and wealthy country, frequently exposed to external aggression and internal disruption, needed an authority that could act swiftly and decisively. The political thinkers believed that the king alone could perform this task thoroughly. There were certainly a sizable number of non-monarchical states which flourished in different parts of the country for over one thousand years till A.D. 400. They could well be described as republics, as the policies of their governments were influenced by the people. All important business of the State was conducted through a popular assembly where the discussions were free and frank. It may be said with much truth that the polity of the republics of ancient and medieval India greatly answered to Abraham Lincoln's famous definition of democracy, namely, government of the people, by the people, for the people.

Lord Buddha, perhaps the most outstanding rationalist of ancient times, was convinced about the true democratic content of the republics that existed in his time. He was a friend of kings, but his predilections were all on the side of the non-monarchical administrations. In fact, he modelled his own monastic order on the broad-based democratic polity of the republics. Towards the end of his life, he had forebodings about the future of these republics which he thought would disintegrate by turning away from the democratic principles. Commenting on the constitution of the Vajjis, he told his favourite disciple, Ananda, thus: "So long as the Vajjians hold these full and frequent assemblies, meet together in concord to carry out their undertakings and act in accordance with their ancient institutions, so long as they honour and esteem and support their elders and hearken to their words, so long may the Vajjians be expected not to decline but to prosper".¹

Buddha's fears came true because the republics could not

¹ *History and Culture of the Indian People: The Age of Imperial Unity*, Volume II, Edited by R. C. Majumdar and A. D. Pusalker, 1960, p. 333.

long sustain their pristine vitality for survival. Political philosophers like Kautilya, the author of the celebrated treatise on statecraft called *Arthashastra*, had no faith in this form of government. Kautilya was indeed a firm believer in the rule of one strong personality because he was convinced that it was a far better form of government than a State controlled by a multitude of deputies. He called on the kings to hasten the dissolution of the republics by exploiting their internal weaknesses. On the issue of government, he anticipated Hegel, the German political thinker by many centuries. Did not Hegel expound with all the weight of his intellectual authority the doctrine that the State was "God walking upon earth"? Though Kautilya's concept of the State did not go that far, he was willing to make the king the fountain-head of governmental authority. Scholars are not agreed on the reasons for the disappearance of the republics from the country's political map, but, according to one widely-held view, the compelling necessity of achieving greater security drove the people to accept monarchy as the sole form of government.

Thus, for countless centuries monarchy was the only political system that was known to the Indian people. The grand monarchs of the Mauryan and Gupta Ages had little in common with their remote Vedic ancestors. The responsibilities of the rulers of the earlier period were strictly contractual. The community honoured and maintained its chief in style as a reward for his leading his tribe in war and for preserving internal order in times of peace. Early Aryans refused to elevate their rulers to godhead. The evolution of monarchy into a sacred institution was, therefore, a later development. The Mauryan kings, for instance, made no bones about lifting themselves from the plane of ordinary mortals. They took the title *Devanamapiya* or Beloved of Gods, thus inviting their subjects to look upon them as superior semi-divine beings.

Royal divinity is explicitly proclaimed in works like the Epics and the Laws of Manu. The exaltation of monarchy has thus scriptural sanction in this country and belief in its necessity has become a part of national tradition. The fact that India has now opted for republicanism and that it is championed by her educated elite has not basically altered the mental attitude of the masses which is reflected in their instinctive deference to persons in superior positions.

Ancient India's constitution-makers did not, however, want to install a tyrant on the throne, claiming divine right to misgovern. They insisted that the head of the government must be the first servant of the State, always striving for the good of his people. They were convinced that no ruler could perform his duties competently unless he had the assistance of wise and able men. Kautilya, for instance, declares that "sovereignty is possible only with assistance", adding rather incorrectly that "a single wheel can never move". It was imperative that the king should be guided by a body of ministers and by a council. The great commentator lays down that both these bodies should be summoned by the sovereign in an emergency and their advice taken before deciding on his course of action. He insists that only able men should be appointed as the king's counsellors.

India would never have attained the summit of civilization if the government of the land had been a nightmare of oppression. Her contribution to science and technology, to medicine and astronomy has substantially advanced human knowledge in these realms. Professor Basham recalls what a Syrian astronomer-monk, Severus Sebekt, wrote about this country in 662 A.D.: "I shall not now speak of the knowledge of the Hindus . . . of their subtle discoveries in the science of astronomy—discoveries even more ingenious than those of the Greeks and Babylonians—of their rational system of mathematics, or of their method of calculation which no words can praise strongly enough—I mean the system of using nine symbols. If these things were known by the people who think that they alone have mastered the sciences because they speak Greek they would perhaps be convinced, though a little late in the day, that other folk, not only Greeks, but men of a different tongue, knew something as well as they".

It is small wonder that the civilization of the Hindus spread to many parts of the world, enriching and enlarging the local cultures of one-fourth of the human race. India could rise to great heights under the monarchical form of government, thus confirming the essential soundness of the truism, namely, that there is nothing inherently wrong with any political system so long as it does not retard the social and economic progress of a people. Monarchy became blameworthy in India only when the country was reduced into a cockpit of competing sovereignties

and was exposed to foreign invasions.

The Hindus were not the only people who adopted kingship as the best system of government. Other peoples and countries also did so. England is looked upon as the home of parliamentary democracy and its legislature as the Mother of Parliaments. The Westminster system has in fact been a model for the government of many countries. Even so, this politically-awakened country cannot do without the Crown. Walter Bagehot, who wrote his classic *The English Constitution*, describing the system of government in England as it stood in the years 1865 and 1866, spoke about the British monarchy thus: "The use of the Queen, in a dignified capacity, is incalculable. Without her in England, the present English Government would fail and pass away".

Bagehot further wrote: "The best reason why Monarchy is a strong government is that it is an intelligible government. The mass of mankind understand it, and they hardly anywhere in the world understand any other. . . . The nature of a constitution, the action of an assembly, the play of parties, the unseen formation of a guiding opinion, are complex facts, difficult to know and easy to mistake. But the action of a single will, the fiat of a single mind, are easy ideas: anybody can make them out, and no one can ever forget them". The following words are even more significant: "'Will you be governed by a king, or will you be governed by a constitution?' the inquiry comes out thus, 'Will you be governed in a way you understand, or will you be governed in a way you do not understand '" He goes on to say: "To state the matter shortly, Royalty is a government in which the attention of the nation is concentrated on one person doing interesting actions. A Republic is a government in which that attention is divided between many, who are all doing uninteresting actions" ²

These are sage observations by a highly competent political commentator and the fact that they are more than one hundred years old does not diminish their relevance to our own times. *The Economist* in its issue of November 14, 1973, calls attention to the three countries of Belgium, Holland and Italy, where stable government is made difficult by internal dissensions. It main-

² *The English Constitution* by Walter Bagehot, Thomas Nelson & Sons, 1872, pp. 106, 107, 112.

tains that "the two monarchies have kept their societies rather better together despite the inconveniently frequent interregna when they cannot have a government, while in republican Italy the wrangling over the formation of new governments tends to make society's splits steadily worse." The weekly holds that an elected figurehead president cannot be a good substitute for a constitutional monarch. It feels that the election of some ex-party politician to that decorative office is neither here nor there and asserts that it cannot be the best way of "electing a symbol to thrill to". It adds, "It is a dreadful way of electing anybody who might in certain circumstances have to be a ruler".

The Economist, which makes these comments under the caption *Wedding Bells*, further says that the republican case is perverse and out of date today because the need of the hour is to "bind a nation together rather than inject new divisions into it". "Those", observes this influential and widely-read British weekly, "who thrilled to the peal of Wednesday's wedding bells should rejoice not merely in their appeal to the hearts of what Bagehot called the 'vacant many', but now also to the understanding of the inquiring few. 'One half of the human race at least', said Bagehot, 'cares fifty times more for a marriage than a ministry'. That puts ministries usefully in their place". The weekly was commenting on the wedding of Princess Anne on November 14, 1973.

India was accustomed to the monarchical form of government for a much longer period than many other countries. For millenniums she had known no other system. The introduction of British rule, through the agency of a trading corporation called the East India Company, after destroying a number of warring principalities in the country, was undoubtedly the most fateful event in the long history of the Indian government. For the first time, personal rule was replaced by government by laws which, far from pleasing the masses, mystified them. At first, the foreign rule was an undoubted blessing. In the absence of a strong indigenous central authority, the country had degenerated into a no-man's land where might and lawlessness prevailed over right, peace and tranquillity. The British firmly suppressed disorder and brought the entire country within the frame of a single government. They also gave it the inestimable boon of the rule of law.

Despite these manifest advantages, the British rule remained essentially alien. Even two centuries of dominion could not absolve it from this reproach. Since it was a government without the Crown, it could not be native, especially in the eyes of the masses. Perhaps, the problem of government which faces India today would not have arisen if by means of some unique arrangement Britain could put one of her nationals on the imperial throne of Delhi and allow him to found a dynasty of his own here. In that event, the legitimacy of his government would have been accepted as that of the Moghuls was done earlier.

Since such an arrangement was beyond the scope of her statecraft, Britain could only send to India not a crowned head to preside over her destiny, but his substitute in the person of the viceroy. There is a world of difference between a genuine coin and its counterfeit. Although much was made of the Indian Viceroyalty, the men who held that office did not always count for much in their national politics. Indeed, front-rank British leaders like Winston Churchill, Austen Chamberlain and Anthony Eden declined to accept the honour. For the first time, the Indian Government and its head were degraded to the status of a subordinate to a distant authority. Astute British observers realised the untenability of the arrangement and were convinced that challenge to the Raj was inherent both in its form and content. They attempted many remedial measures but without success.

The Governor-General or Viceroy was encouraged to live in a style reminiscent of the splendour of the Moghul monarchs, without realising that he was only a fleeting figure of whom no trace would remain once he left the Indian shore. Besides, such ostentation, so incongruous in a country afflicted with many horrors, was viewed with ill-concealed repugnance by the new class of English-educated Indians. The visits of the British monarch and his scions to the country proved equally sterile. The hope that a transitory presence of British royalty on Indian soil would strengthen the bonds of Indian loyalty to the imperial throne rested on mere wishful thinking.

King George V had persuaded himself that it was quite possible to exploit Indian belief in the divinity of kingship to the best advantage of his Empire. He had gained this conviction after holding a grand Coronation Darbar in Delhi in 1911.

He wanted his son, the Prince of Wales, who visited India in 1921 to make a similar impression on the Indian people. The Prince, who later abdicated the throne and became the Duke of Windsor, has recorded in his Memoirs what his father thought about this country. The King, he wrote, "had gained in India a new conception of the Imperial role and of the importance of elaborate display and pageantry in impressing the Oriental mind".³

In the early months of 1921, a scion of the British royal family, the Duke of Connaught, came to this country to calm Indian feelings inflamed by British atrocities in the Punjab and at the same time to impress upon the Princes and people of India that the British Empire and their head, His Imperial Majesty King George V, were peerless in might and majesty. Inaugurating the Chamber of Princes on February 3, 1921, the Duke reminded his audience that the King-Emperor was "mightier than even the Moghul Emperors" and that his policies were framed with such a "breadth of vision" that it was vain to look for the like of them in the past ages! Such bombast, however, impressed none. The Duke had no answer to Mahatma Gandhi's question whether the British were prepared to grasp the Indian hand of friendship on terms of equality.

The Prince of Wales's visit to India, which began in November 1921, was also inspired by political considerations. Like the King, the British bureaucracy was obsessed with the belief that the Indians would readily genuflect before royalty even if it was alien and its presence momentary, and forget their enslaved condition. The British intention in contriving two royal visits to India in one year was to wean the masses from the growing influence of the Mahatma and thus proclaim to the world that their Raj in this country rested on popular consent. In a statement issued on the eve of the Prince of Wales's visit, Gandhi declared emphatically that it had been arranged in order to "advertise" the so-called benign character of British rule in this country.

The Prince was somewhat democratically inclined and was incapable of self-deception. He was soon convinced that his visit would be least effective in counteracting the assertive nationalism

³ *A King's Story: The Memoirs of H.R.H. the Duke of Windsor*, Cassell, 1951, p. 163.

of Indians. In a candid letter to his father, dated December 16, 1921, he wrote: "Well I must at once tell you that I'm very depressed about my work in British India and I don't feel that I'm doing a scrap of good; in fact I can say that I know I am not. The main reason for this is naturally the boycotting of my visits to the various cities in British India by the non-co-operators. . . ." The hold of royalty on Indian mind had certainly not disappeared, but the sentiments of the people could come to the surface only if the monarch was or became indigenous and had his throne on Indian soil. The British strategem failed because these two criteria could not be fulfilled.

The survival of the princely States, however, helped to keep alive the traditional veneration for kingship. The rulers under the British paramountcy were not royalties enjoying sovereign powers, but in the eyes of their subjects they were full-fledged monarchs. Many of the princes made no bones about claiming kinship with gods. Some of them traced their descent to sun and moon! One Maharaja, notorious for his cruel and costly eccentricities, called himself Rajrishi or Royal Teacher. No matter how the States were governed, the generality of the people residing in them virtually worshipped their rulers. The Maharaja of a principality, by no means distinguished for enlightened government, was acclaimed by his subjects as *Annadata* or giver of food. The inhabitants of a State having barely a dozen villages called their petty tyrant "god" by forgetting their degradation and semi-starving condition.

There were, of course, a good number of States many of them large and viable, whose rulers took their responsibilities seriously and gave them a type of government which was in some respects one lap ahead of the British Indian administration. The Maharajas of Mysore, Baroda, Travancore and Cochin, for example, were inspired by a genuine spirit of service to their people who in their turn bore true affection and admiration for them. An Indian scientist of international reputation who had his laboratories in Mysore, not only respected the ruler of the State but also "revered" him. It is now more than twenty-five years since the princely States were absorbed into the Indian territory. It would be interesting to know what their residents

⁴ Ibid., p. 171.

feel about the present state of affairs and whether, given the chance, they would like to be governed again by hereditary rulers instead of by "popular" ministers. Not long ago, I met in Baroda and Mysore a number of responsible persons who had lived under the government of their Maharajas. Asked what they thought about the old regimes, they declared categorically that they preferred them. Their view of Indian democracy was least flattering to it.

The Indian people in the mass are idolatrous and render willing obeisance to any personified authority. Pandit Jawaharlal Nehru was the Prime Minister of a country which had deliberately adopted the republican form of government. And yet he was acclaimed by the multitude as "Raja Nehru"! The present Prime Minister is also invested with such royal titles. Since Mrs. Indira Gandhi's assumption of the Premiership in 1966, and more especially after the Congress split in July 1969, she has been the recipient of a type of acclaim which is wholly alien to the traditions of democracy. During her extensive electioneering campaign on the eve of the mid-term elections in 1971 and 1972, she was overwhelmed with adulation everywhere. She was *Amma* or mother to millions of people in the Southern States where "they touched her feet and hands in reverential awe and milled around her car as it slowed down to a crawl to enable her to acknowledge their greetings"

The ignorant and the superstitious are, however, not the only people who debase themselves before the wielders of power. Even the educated forget that they are the citizens of a free and democratically-governed country pledged to republican principles. The Chief Minister of Maharashtra described the Prime Minister thus in January 1972: "Mrs. Gandhi has made people proud of themselves as no other leader in the last thousand years has done".⁵ It would be interesting to know where exactly he would place Shivaji, the great Maratha soldier-statesman, the tercentenary of whose coronation the Maharashtra Government celebrated for one full year from June 1974 with such splendour and at such enormous cost. At a felicitation function at Lucknow in the same month, the President of the Uttar Pradesh Congress Committee, a woman, described the Prime Minister as the in-

⁵ *The Indian Express*, January 6, 1972, p. 1.

carnation of Goddess Durga!"

The President of the Bombay Pradesh Congress Committee, who had newly assumed that office, affirmed his political convictions in these scintillating words: "The new B.P.C.C. will be a people's party, a party of socialism. In the B.P.C.C. there will be no leader and no followers. The party has only one leader—Mrs. Indira Gandhi. We are all soldiers in a vast army of socialists".⁷ In an informal chat with newsmen in Bombay, the Union Law Minister observed that the norms for choosing candidates for elections to the Maharashtra State Assembly from the metropolis would be a "clear inclination on the candidate's part that he can be trusted to follow the Prime Minister's policies".⁸ Is such language possible in a country inured to democratic traditions? Have free institutions any value if governmental authority and public life are allowed to be dominated by a single person? In its issue of December 18, 1971, the London *Economist* captioned its appreciative article on Mrs. Gandhi with the words *Empress of India*. By choosing this title, the British weekly perhaps unwittingly described the real state of affairs in this country.

Idolatry is natural to the Indian people because it is woven into the very texture and tapestry of their lives. Democracy is only a veneer in this country and has never struck roots in its soil. While the minds of the masses are still anchored to ancient and medieval traditions, the predilections of a large section of the educated class are essentially opportunistic. The leading participants in the Constituent Assembly were idealists whose minds were strongly influenced by the British political ideas and ideals. None of them had any practical experience of democratic government so that the constitution that emerged from the Constituent Assembly, though perhaps perfect on paper, has little relation either to the limitations of the Indian people or to their needs.

The necessity of securing mass participation in the government by building the free institutions from the bottom received scant attention by the constitution-makers. It is small wonder, therefore, that these institutions have suffered gross distortion in

⁶ *The Times of India*, January 9, 1972, p. 1.

⁷ *The Indian Express*, January 17, 1972, p. 1.

⁸ *The Indian Express*, January 18, 1972, p. 1.

their working. Free India's Constitution has in fact become a convenient instrument in the hands of some persons to perpetuate themselves in power and thus expose the country to chronic misrule and even dissolution. How to avert this tragedy is the theme of this book.

2. PARLIAMENTARY DEMOCRACY

THE introduction of English education in India by the British dug a gulf between its recipients and the rest of the population which political independence has not succeeded in bridging. It was both alien and unsuited to Indian needs and yet it was desired by the Indians themselves. By then the indigenous system, at one time the pride and glory of the country, had lost both its vitality and usefulness. Its degeneration in the fallen condition of the country was inevitable. Called New Learning, the imported system was heartily welcomed by leaders of Indian opinion. No less a person than Raja Ram Mohan Roy (1774-1833), the prophet of Indian nationalism, strenuously worked for its dissemination among his countrymen. It was widely felt that "the British language" was the key to "all improvements". Contemporary observers noticed that "the cry for instruction in English was universal". School boys returned "vernacular books" to their teachers and "insisted on being taught English".

The Indian demand was in full accord with the British educational policy. The "anglicists", who dominated the Government, committed it to encourage a type of education, the content of which was to be "Western literature and science". It was to be imparted through the medium of English. They believed in the "filtration theory" which envisaged bringing enlightenment to the masses through a small group of English-educated class. Macaulay, an enthusiastic progenitor of the new system, was confident about its potentialities. He wanted the Indians to become "English in taste, opinions, morals and intellect". He hoped that by acquiring European knowledge they might "in some future age demand European institutions". He did not know whether such a day would ever dawn but if it came, it would be "the proudest day in English history". Trevelyan went a step further and saw in the new system of education the only possible means of "converting what was at the time but a precarious into a permanent (Indo-British) connection".¹ Neither

¹ *The Education of India* by Arthur Mayhew, Faber and Gwyer, 1926, p. 21.

Macaulay nor Trevelyan probably realised that the New Learning they so ardently advocated was to prove a millstone around India's neck which she has failed to get rid of even at this distance of time.

The Western educational system has certainly not been wholly sterile. Its vehicle, English, has proved a great unifying force. Even after more than a quarter century of national independence, it is still the only effective medium that lends reality to the concept of India's oneness. Its impact on the Indian mind has indeed been revolutionary. It has helped the intellectual class to gain direct access to the immense storehouse of Western knowledge in all its varied forms, literary, scientific and technological. It is also through the instrumentality of this alien tongue that the Indian intellectual elite developed a passionate devotion to their motherland. The writings of philosophical radicals like Burke, Bentham and Mill are still being studied as models of English prose in Indian colleges and universities.

Bentham declared that "the end and aim of a legislator should be the *happiness* of the people", while Rousseau thundered against the usurpations of tyranny. Montesquieu's dictum that liberty is "diametrically the opposite of despotism" was enthusiastically welcomed by the Indian converts to democratic thought. Tom Paine, the British champion of American independence, wrote an inspiring essay in December 1776, upholding the right of nations to be free. He asserted that tyranny was like hell and could not be easily conquered. There was, however, the consolation that the harder the conflict the more glorious was the triumph. His subsequent words are of great relevance to India, particularly in her present condition. He says: "What we obtain too cheap, we esteem too lightly; it is dearness only that gives everything its value. Heaven knows how to put a proper price upon its goods, and it would be strange indeed if so celestial an article as *freedom* should not be highly rated".²

Such language came to Indian intellectuals with the force of a revelation. They were profoundly impressed by the British sense of right and wrong. The impeachment of Warren Hastings, the man who had found Calcutta a mere counting-house and left

² *Life and Writings of Thomas Paine*, edited by D. E. Wheeler, Volume III, Vincent Park & Co., 1908, p. 1.

it a seat of empire, both astonished and pleased them. Men like Burke, Sheridan and Fox trained the mighty artillery of their eloquence upon the fragile old man, forgetting his great services to their country in India. Burke's attack on the aged statesman was truly savage. The crimes like those of Hastings, he declared, had their origin "in the wicked dispositions of men...in avarice, rapacity, pride, cruelty, ferocity, malignity of temper, haughtiness, insolence, in short, in everything that manifests a heart blackened to the very blackest—a heart dyed deep in blackness—a heart corrupted, vitiated and gangrened to the very core". We do not hear such abusive oratory any more in English, but the fact that such a formidable indictment could be framed against a great proconsul by his own countrymen heightened Indian admiration for the British sense of justice. In fact, till Indian nationalism became assertive, a large body of political opinion in the country looked upon the British tutelage as a benign decree from above. It was impossible for this school to demand the ending of foreign rule within any prescribed period.

The masses were, however, totally indifferent to the political aspirations or the activities of the English-educated class which formed, as it still does, only a small fraction of the total population. Their overwhelming poverty made any type of education, indigenous or imported, inaccessible to them. The Muslims, the second largest community in the country, had a conscientious objection to sending their children to English schools. It was impossible for them to separate knowledge from faith. They had convinced themselves that there could be no wisdom greater than that which was embodied in the sacred literature of Islam. No less a person than Maulana Abul Kalam Azad, free India's first Education Minister, has recorded that his father had no faith in Western learning and did not, therefore, give his son an opportunity to acquire it. Following Macaulay's famous minute of 1835 on education, English became the language of administration and instruction in replacement of Persian. This was regarded as an overwhelming calamity by the Muslim community. Many of the Hindu classes, including the Kayasthas, the Khattris, the Brahmins and the Amils of Sind, with long traditions of learning at home, did not share Muslim prejudice against the English schools. The resulting disparity in the educational advancement of the two religious communities was a potent cause

for India's partition.

The great divide between the Indian masses and classes could not be spanned without a radical reformation of the educational system. Time actually deepened this division. It may or may not be correct to describe the revolt of 1857 against the British as the first Indian war of independence, but the English-educated class scrupulously kept itself away from it. It did so not only because it had profound faith in the Indo-British connection but also because it could make a realistic appreciation of the situation. It was convinced that the Indian challenge would never succeed against the world's foremost power which enjoyed overwhelming naval supremacy everywhere. In the nineteenth century the world entered a new era of integration under the compulsion of Western technology, a large part of which was controlled by Britain. An India chained to medieval traditions could not expect to prevail against such a formidable antagonist.

Besides, the aims of the Indian revolt were ill-defined. The men who took up arms against the British knew what they did not want. They did not want any reform that upset the *status quo* with all its iniquity and injustice. They were equally opposed to the annexation of the princely States, no matter how atrociously ill-governed they were. It was the fear that the immemorial pieties and superstitions of the land were sought to be destroyed that drove the insurgents to fight the foreigners. Their only positive goal was to revive the imperial glory of the Moghuls by putting the old figurehead, Bahadur Shah, on the throne of Delhi. Perhaps, their additional object was to recover for Nana Saheb Peshwa the leadership of the defunct Maratha confederacy. They were evidently not clear in their minds whether in their effort to restore the monarchical form of government they really wanted the country to be divided into two or more sovereign states.

Though formidable, the revolt was desultory and was foredoomed to failure, but it proved beyond all doubt that the masses of India understood kingship far better than any other system of government. The remarks of Maulana Azad on the uprising are as revealing as they are conclusive. He wrote: "As I read about the events of 1857, I am forced to the sad conclusion that Indian national character had sunk very low. The leaders of the revolt could never agree. They were mutually jealous and

continually intriguing 'against one another'.³ It was impossible for the English-educated Indians, whose political ideas and ideals were inspired by the West, to sympathise with the revolt. They wanted the British to remain in India and train their countrymen to govern themselves according to democratic principles.

Raja Ram Mohan Roy was an ardent patriot who wanted his country to recover its greatness but, being a realist, he affirmed his unshakable faith in the doctrine of gradualness. He noticed the impatience of his countrymen to become the arbiters of their own destiny when the British were still engaged in acquiring continental sovereignty. "When we have", he said, "to depend by the very conditions of our existence on all things and all beings in nature, is not this fiery love of national independence a chimera? India requires many more years of British domination".

In Western India a galaxy of leaders advocated the continuance of British rule on the ground that it would provide their people an inestimable opportunity to overcome their social and other infirmities and to acquire real ability to take over the responsibilities of government eventually. In Bombay, Balshastri Jambhekar (1812-46), whose massive intellect and pragmatism won the admiration of Indians and European alike, asked his people to overcome their weaknesses by learning from the wisdom of the West. Widely acclaimed as a "conspicuous ornament of society", the Shastri inspired a member of patriots, including Dadabhai Naoroji who in later years was esteemed as the Grand Old Man of India.

Mahadev Govind Ranade (1842-1901), whom his gifted disciple, Gopal Krishna Gokhale, revered as a man of destiny, loved his motherland with the fervour of a true patriot. "This country of ours", Ranade wrote "is the true land of promise. This race of ours is the chosen race. It was not for nothing that God has showered his choicest blessings on this ancient land of Aryavarta. We can see His hand in history". Ranade, greeted as the "Socrates of India", thus envisaged a glorious future for his country and yet he wanted it to be apprenticed to British

³ Maulana Abul Kalam Azad's Foreword to *Eighteen Fifty-Seven* by Surendranath Sen, Publications Division, Government of India, 1957, p. xv.

rule till its people qualified themselves for self-rule by overcoming their social and religious prejudices. He believed in moderation which implied the "conditions of never vainly aspiring after the impossible or after the remote, but striving each day to take the next step in the order of natural growth by doing work that lies nearest to our hands in a spirit of compromise and fairness".

This was the attitude of the Indian elite towards the British Raj till the advent of Mahatma Gandhi who from the nineteen twenties revolutionised Indian politics by his technique of non-co-operation and direct action. For a long time, the educated class wanted nothing more than a share for Indians in the government of their country. The Indian National Congress, brought into existence in 1885, significantly through the initiative of a retired British civilian, Allan Octavian Hume, did not pitch its political demands very high. Its members would have been aghast if it was suggested to them that they should strive to send the British back to their homes. Indeed, the basic tenets of the new organisation were the "consolidation of the union between England and India" and the promotion of the Indian people's "unswerving loyalty to the British Crown".

The sum total of the nine resolutions passed by the Congress at its first session held in Bombay in 1885 was a moderately worded plea for the liberalisation of the administration. Its other demands included an inquiry into the working of the Government, a substantial reduction in the military expenditure and abolition of the reactionary India Council in London. Both at that session and later, the party asked for some more concessions. It wanted the elective principle to be introduced in the Legislative Councils and the examinations for the Indian Civil Service to be held simultaneously in India and England. It also desired that the age of the candidates taking that examination should be raised. The party's political philosophy was best presented by its President for the year 1907. He said: "We want in reality and not in mere name to be sons of the Empire".

W. C. Bonnerjee, who had presided over the first session of the Congress in Bombay, waxed most eloquent in praise of the British Raj at its second session in Calcutta. He asked his audience whether such an assembly of his countrymen speaking one language could have been possible in the past. "Such a thing",

he asserted, "is possible under British rule and under British rule only". Sir Sankaran Nair, Congress President at the 1897 session, made the bold declaration that it was impossible "to argue a man into slavery in the English language". Gokhale, the exemplar of both Gandhi and Jinnah, spoke with remarkable certitude about the fateful significance of British rule. "It may be", he declared, "that the history of the world does not furnish an instance where a subject race has risen by agitation. If so, we shall supply that example for the first time. The history of the world has not come to an end. There are more chapters to be added".

Sir Surendranath Banerjee was in the second batch of Indians to pass the Indian Civil Service examination. A man of outstanding ability and eloquence, he was grievously wronged by the British when he was in Government service and yet he nursed no personal grievance against them. Presiding over the Ahmedabad session of the Congress in 1902, he claimed that his countrymen had "no higher aspiration than that we should be admitted into the great confederacy of self-governing States, of which England is the august mother". A firm believer in poet Tennyson's doctrine of gradualness, Sir Surendranath stated it as his conviction that India's journey to self-government would "necessarily be slow and that the blessed consummation can be attained only after prolonged preparation and laborious apprenticeship".

The masses neither heard nor understood such language. In fact, they and the English-educated class belonged to two different nations with no common ground between them on any of the basic things of life. The constitutionalists were challenged not by the masses, but by the young revolutionaries of their own class. They were root-and-branch men who execrated what they regarded as the obsessional faith of their elders in the good intentions of the foreign rulers. They believed with Tom Paine that freedom could only be bought at a high price and not by submitting petitions to the British Government, even though they were couched in the most grammatical whine. Most of the revolutionaries were university graduates, many of them with foreign degrees. They had studied the European revolutionary movement with much earnestness and had learnt that some of the most formidable tyrants of that continent shivered at the

cult of the bomb and the pistol. Refusing to fly their motherland's flag of freedom at half-mast indefinitely, they used these lethal weapons in the hope of pushing the British out of the country. Their spirit of sacrifice and their readiness to embrace martyrdom constitute a memorable chapter in India's history, although partisan writers have sought to minimise their contribution to it.

The revolutionaries had a withering contempt for the political aspirations of the Congress. Sri Aurobindo Ghosh, whose memory is cherished as much for his revolutionary ardour as for his scholarship and saintliness, wrote: "The bureaucracy will not have to reckon this time with a few self-styled leaders who are only too eager to fall down and worship the idol of the hour, but with a newly-awakened people to whom the political freedom of the country has been elevated to the height of a religious faith". He dismissed the Congress as "a middle-class organ, selfish and disingenuous in its public action and hollow in its profession of a large and disinterested patriotism".⁴ With the advent of the Gandhian movement, the cult of the bomb lost both its appeal and validity. It is not clear how exactly the revolutionaries would have shaped the destiny of India after the British withdrawal, if they could have their own way. They certainly would not have agreed to kneel before the footstool of any crowned autocrat, provided one could be secured by common consent. Both their inclinations and convictions were republican and their government would probably have been based on this principle.

We are left in no doubt about what the constitutionalists wanted. From time to time, they came forward with their plans for the government of free India, their invariable choice being the parliamentary system. Even before the Indian National Congress met formally, its founders declared: "Indirectly, this Conference will form the germ of a Native Parliament, and, if properly conducted, will constitute in a few years an unanswerable reply to the assertion that India is still wholly unfit for any form of representative institutions".

The Home Rule Scheme of 1889 formulated by the Congress

⁴ *Prophet of Indian Nationalism: A Study of the Political Thought of Sri Aurobindo Ghosh, 1893-1910* by Karan Singh, George Allen and Unwin, 1963, pp. 52, 96,

is historically an important document because it was drafted under the Presidentship of Sir William Wedderburn. The Congress session was notable because of the presence of Charles Bradlaugh, the famous British Member of Parliament, who took active interest in India's political future. Bradlaugh had prepared a draft Bill "embodying the views of the Congress as so far expressed" and intended to introduce it in the British Parliament after winning Indian approval to it. A skeleton constitutional scheme, providing for the creation of representative institutions in the country, was accordingly drawn up at the Congress session. According to the scheme, both the central and provincial legislatures were to consist of members not less than one half of whom were to be elected. All elections were to be by ballot.

The Constitution of India Bill, 1896 is a comprehensive document. It was probably inspired by Lokamanya Bal Gangadhar Tilak and was acclaimed by Dr. Annie Besant, that gifted Irish woman who had made the Indian cause her own, as the Home Rule Bill for India. It envisaged a bi-cameral legislature called the Parliament of India whose members were to be the representatives of the "Indian Nation". It was laid down that all the "supreme, legislative, judicial and executive powers" should be vested in the national legislature. The executive functions of Parliament were to be exercised by a cabinet of ministers led by the Prime Minister. Including him, there were to be thirty ministers. The author of the scheme conceded that Indians were still in no position to exercise the powers incorporated in it, but hoped that under the "benign" British guidance they would later be able to "enjoy and use them to the greatest advantage of their country and the British Government".

Gokhale was endowed with superlative abilities, besides a robust sense of realism. He was highly esteemed both in India and England. Lord Willingdon, then Governor of Bombay, asked him towards the end of 1914 to draw up a scheme of political reforms for India. According to the testimony of Sir Chimanlal Setalvad, Gokhale consulted Sir Phirozeshah Mehta and His Highness the Aga Khan before formulating his proposals. The author of the scheme died in the following year and it came to light only in 1917 about the time when Edwin Montagu, Secretary of State for India, made his famous declaration on the

country's constitutional future.

Known as his Political Testament, Gokhale laid great stress on provincial autonomy in his scheme. He wanted that each province should have a Governor appointed in England as the head of the administration. The Governor should be assisted by an executive council consisting of six members, three of whom should be Indians. There should be a Legislative Council with a membership varying from 75 to 100. Not less than four-fifth of them should be elected by different constituencies and interests. The Central Legislature should be renamed as the Legislative Assembly of India with its size and powers enlarged. Gokhale had no objection to the continuation of official majority in that body "until sufficient experience has been gathered of the working of autonomous arrangements for Provinces".

The Memorandum on Post-War Reforms, 1916, drawn up by nineteen influential members of the Imperial Legislative Council such as Sir Tej Bahadur Sapru, Pandit Madan Mohan Malaviya, M. A. Jinnah, Rt. Hon. V. S. Srinivasa Sastri, Sir Dinshaw F. Vacha, Sir Bhupendranath Basu and Sir Ibrahim Rahimtoola, asked for a parliamentary executive, with the legislatures having a substantial majority of elected representatives. The Congress-League scheme, framed in the same year, also opted for a similar system of government. It urged that half the strength of the Executive Council of the Governor-General should be Indian. There was a steady progress in the Indian political thought especially after the first world war. It was urged that the country should have legislatures that could function as true governing councils. Opinion also crystallized in favour of Indians being made responsible for framing their own constitution.

Both these concepts were incorporated in the Commonwealth of India Bill, 1925, prepared by leading Indians. The document declared boldly that "India shall be placed on an equal footing with the Self-governing Dominions, sharing their responsibilities and their privileges". Like the earlier unofficial schemes, it provided for parliamentary democracy with an executive based on the cabinet system. It said: "There shall be a Cabinet of not less than seven Ministers from among the Members of Parliament who shall be collectively responsible to the Legislative Assembly". The provincial cabinets were to consist of not less than three ministers. The authors of the Bill called on the British Parlia-

ment to pass it, reminding that body that the document had wide and influential support. "The country", they declared, "is organising itself in its support, and work will be carried to success, for when a great Nation demands its Freedom it cannot long be denied".⁵

Even more comprehensive and authoritative was the scheme formulated by a committee of experts in response to the mandate from an All-Parties Conference. The Conference, which held its first session in February 1928, was attended by the representatives of the Indian National Congress, the All-India Muslim League, the All-India Hindu Mahasabha, the Central Khilafat Committee, the All-India Conference of Indian Christians, the States People's Conference and the All-India Liberal Federation. It is inconceivable that there could have been a more representative assembly of English-educated Indians. A drafting Committee was appointed by the Conference when it met in Bombay on May 19, 1928. With Pandit Motilal Nehru as Chairman, the Committee consisted of Sir Tej Bahadur Sapru, Subhas Chandra Bose, M. R. Jayakar, Sir Ali Imam, G. R. Pradhan, Shuaib Qureshi, N. M. Joshi, M. S. Aney and Sardar Mangal Singh. It was a team of talented men who were inspired by a sincere desire to hasten the constitutional progress of the country. The Report was drafted almost entirely by the Chairman, Motilal Nehru, who was happy to hear from Sir Tej Bahadur Sapru that it had been competently written. Writing to his son, Jawaharlal Nehru on July 21, 1928, he said: "Tej Bahadur is very pleased with the draft report. In the sixty pages of typed matter he had only six or seven verbal changes to suggest and said it was A1. He is now writing a few paragraphs on Indian States, Dominion Status versus Responsible Government".

Known as the Swaraj constitution, the document made detailed provisions for the government of India which was proposed to be elevated to the status of a Dominion. The new Dominion was to be called the Commonwealth of India since it was not intended to do away with the princely States. All the legislative powers of the Commonwealth were to vest in a two-chamber Parliament, the Lower House being designated as the House of Representatives and the other one being called the Senate. While

⁵ *The Framing of India's Constitution: Select Documents*, Volume I, The Indian Institute of Public Administration, 1966, pp. 3-50.

the Senate was to consist of 200 members elected by the Provincial Councils, the strength of the Lower House was put at 500. The constitution-makers opted for adult franchise, although they were not free from doubt about the advisability of making such a provision.

There was to be an Executive Council consisting of the Prime Minister and not more than six ministers. The Council was to be "collectively responsible to the legislature for all matters concerning the departments of the Commonwealth administered by members of the Executive Council". There was to be a Supreme Court which was to "exercise such jurisdiction as Parliament shall determine". The Government of the provinces was modelled on the Central set-up. The Swaraj constitution provided for fundamental rights, many of which figure in free India's Constitution of 1950. On such questions as the defence of the country, the future of the Indian Civil Service personnel and external affairs, the approach of the Committee was realistic, its attitude towards the interests concerned being generous. Its treatment of the minorities was no less large-hearted. In short, it produced a Dominion constitution based essentially on democratic and secular principals."

From these major examples of Indian efforts at constitution-making, it is evident that the political doctrines of Britain had the most decisive influence on the Indian mind. It could not be otherwise because, as a colony, India had to depend upon its foreign overlords in nearly all matters, including intellectual. Parliamentary government, based on the Westminster system, is the most difficult form of government to operate. It demands the fulfilment of many conditions, the most notable ones being a high degree of political consciousness, social cohesion, discipline, patriotism and freedom of the population from sordid wants. Even today India is in no position to satisfy these criteria.

Perhaps, the parliamentary institutions demanded by the Indian leaders, who were mostly lawyers, would have had a fair chance of success if political power had been transferred to India in the nineteen twenties or in the early thirties at the latest.

^a Ibid, pp. 58-75. Also *The Indian Triumvirate: A Political Biography of Mahatma Gandhi, Sardar Patel and Pandit Nehru* by V. B. Kulkarni, Bharatiya Vidya Bhavan, 1969, pp. 469-71.

At that time, the country abounded in stalwarts whose intellectual eminence, personal integrity and wide-ranging minds ensured good and competent government. Persons like Pandit Madan Mohan Malaviya, Pandit Motilal Nehru, Sir Tej Bahadur Sapru, M. A. Jinnah, Dr. M. A. Ansari, Hakim Azmal Khan, Sir Chimanlal Setalvad, Sir P. S. Sivaswamy Aiyer, Sir C. P. Ramaswami Iyer, S. Srinivasa Iyengar, Sir M. Visveswaraya, Dr. Syama Prasad Mookerjee, Master Tara Singh and a number of others of similar calibre could have administered the country on democratic lines with much ability and discernment. They could be trusted to make up for their administrative inexperience by their exemplary qualities. Refusing to succumb to mere meretricious slogans and ideals, they would have honestly and diligently striven to promote the country's progress and prosperity. Their earnestness to do good and their capacity to achieve results would probably have shortened the distance between the urban-based intellectual elite and the tradition-bound rural masses.

But India was denied the opportunity of marching forward under such favourable omens because at no time did the British rulers think of leaving this country. India was the mainstay of their Empire, the brightest jewel in the diadem of their monarch, and the prized possession of their race. To them the prospect of losing it had, therefore, all the poignancy of personal loss. They planned with much craftiness to remain in the country permanently and towards this end propounded the doctrine that the foundation of all Indian political reforms must be the steadfast maintenance of British supremacy. They followed and enforced this doctrine with extreme fidelity and ruthlessness.

During their stay in India for nearly two centuries the British gave her people three major instalments of political reforms, none of which took the country anywhere near self-rule. These instalments were the Morley-Minto Reforms, the Montagu-Chelmsford Reforms and the Government of India Act, 1935. The first-named Reforms, which led to the framing of the Indian Councils Act of 1909, were hailed at the time as marking a break with the past. They had, however, no such significance because the reformed legislative councils were no better than *darbars*, having no manner of resemblance to parliaments. The Act did not formulate any new policy and such changes as were introduced in the structure of the legislatures and the government of the coun-

try were only those of degree and not of kind. In fact, the aim of the new statute was to perpetuate the *status quo* and to divert the country's politics into narrow sectarian channels. While nomination remained the dominant factor in the selection of the "legislators", the disruptive system of representation by communities was introduced, thus making uniformity in the principles and methods of voting impossible. As the Aga Khan claimed in later years, the introduction of communal representation paved the way for the partition of India.⁷

The Morley-Minto Reforms were thus a mischievous piece of political legislation which fully reflected the machiavellism of their authors. John Morley, Secretary of State for India, claimed himself to be a Liberal and a follower of Comte, the French founder of the philosophical system of positivism, but he was none of these where British interests in India were concerned. He himself exploded the myth about the progressive character of the reforms of his authorship. "If it can be said", he told the House of Lords, "that this chapter of reforms led directly or necessarily to the establishment of a parliamentary system in India, I for one would have nothing at all to do with it". He supported his thesis by arguing that Indians were congenitally incapable of running parliamentary institutions successfully.

Morley in fact rejected the proposition that India was a nation. He was fond of describing this country as "that vast congeries of people we call India". Having reached this conclusion, it was not difficult for him to reject the suggestion that it should be treated on par with other self-governing countries in the British Empire. It was like arguing, he said, that, because a fur-coat was needed in the Canadian winter, it was also required in the scorching heat of the Deccan. The observations of men like Morley about India's unfitness to function under a parliamentary democracy have come true, but they were not made with any honourable motives. Her inability to make a success of parliamentary institutions was used as a pretext for denying the right of self-determination to her. It is not that the entire mankind is governed on the basis of the Westminster system. In co-operation with the best Indian minds, it would have been possible for British statesmanship to overcome the problem of

⁷ *The Memoirs of Aga Khan*, Simon and Schuster, 1954, p. 94.

constitution-making if Whitehall had been genuinely sympathetic to Indian aspirations. It was not and so it took refuge in excuses.

A striking epitaph was written on the Reforms of 1909 by none other than the authors of the Montford Report. "Excessive claims", they wrote, "were made for them in the enthusiasm of the moment, but in any case they cannot justly be described as embodying any new policy". They added that the Reforms were based "on the fundamental principle that the executive government should retain the final decision on all questions". Both they and the framers of the Government of India Act, 1935, followed this "fundamental principle" with absolute fidelity.

The Secretary of State for India, Edwin Montagu, had also an unfounded reputation for progressive outlook. He, together with the Viceroy, Lord Chelmsford, drew up a Report which began with two postulates, namely, that "complete responsibility for the government cannot be given immediately without inviting a breakdown" and that "some responsibility must be given at once if our scheme is to have any value". They accordingly evolved a strange system of government which became famous as "dyarchy", a new term coined by Lionel Curtis, described as an "apostle of imperial unity". The new system of double government was introduced in the provinces by arbitrarily dividing the portfolios into "reserved" and "transferred" subjects. They were placed under the control of two different sets of functionaries bound together neither by a community of interests nor by the principle of collective responsibility. The "reserved" departments dealt with such crucial subjects as revenue and police and were administered directly by the Governor with the aid of officials known as Councillors.

The residue was given to the "popular" ministers who in fact became so many Cinderellas under the new dispensation. Apart from the fact that their departments were relatively unimportant, they were allowed no initiative or enterprise in the fulfilment of their responsibilities. In any case, the purse-strings were held by the Governor so that even the most assertive and determined minister could be left high and dry by starving his charge of the needed funds. Under the new system, there was no scope for joint responsibility or for unity of purpose. The verdict of the Simon Commission on the Reforms, which were

converted into the Act of 1919, is conclusive. "The position of Ministers", it declared, "is that they are members of the Executive Government, but not members of the Executive Council".

The despotic powers of the Governor-General were maintained inviolate at the Centre so that there was no noticeable change in the basic structure of the principal government. The Imperial Legislative Council was abolished and its place was taken by a bicameral legislature which was also given no powers to shape or even to influence executive actions. Called the Legislative Assembly, the Lower House consisted of 146 members, 40 of whom were nominated. Barely one million persons were enfranchised to vote for the Assembly. The second chamber, called the Council of State, was even more unrepresentative. It was given a character distinct from that of the other House to ensure that only privileged persons such as wealthy property-owners could qualify for its membership. Sixty-one such worthies constituted its numerical strength, its elected members being chosen by a mere 17,000 "discreet persons" with vested interests. As before, the Governor-General and the Governors controlled all the levers of power, relegating the legislatures to the position of mere debating societies.

And yet this sterile statute was extravagantly compared with the Durham Report. While the recommendations in that Report became a prelude to the realisation of full responsible government by Canada, no such constitutional dispensation was contemplated by the arbiters of India's destiny. Even moderate Indian opinion was disappointed with the Montford Reforms. Dr. Annie Besant dismissed them as "unworthy to be offered by England or to be accepted by India". Motilal Nehru condemned the system of dyarchy as an invention by some speculative constitutionalists. Indian dissatisfaction was inevitable because the Reforms were only so-called without any substance in them.

Lord Birkenhead, a shining light of British Conservative politics and Secretary of State for India from 1924 to 1928, wrote to Lord Reading, the Viceroy, saying that he had strongly opposed the Reforms in the Cabinet. "To me", he wrote, "it is frankly inconceivable that India will ever be fit for Dominion self-government". He told the House of Lords that it was impossible for the British ruling class to abandon its "trust" at any time. "There is", he declared, "my Lords, no 'lost Dominion'.

there will be no 'lost Dominion' until that moment, if ever it comes when the whole of British Empire with all that it means for civilization, is splintered in doom"⁸ Birkenhead, according to many observers was afflicted with insufferable insolence. Lord Butler writes thus in his Memoirs: "With Birkenhead his (Lord Irwin's) relations were superficially easy, but in temperament and philosophy the two men stood poles apart. 'I remember so well,' Irwin was to say long after, 'how bloody it was serving under F.E.'"⁹ If his Lordship's insolence was undoubted, his attitude towards India was equally unambiguous. His opposition to her freedom was utter and irrevocable.

Montagu himself left nobody in doubt about the British intentions. His talks with the Indian leaders had convinced him that few among them wanted immediate self-rule. Even Mahatma Gandhi did not ask for it. Montagu wrote: "All he (Gandhi) wants is that we should get India on our side. He wants the millions of India to leap to the assistance of the British Throne".¹⁰ He was referring to India's assistance to Britain during the First World War when she bled herself white to please her foreign masters. And yet he showed a strange insensibility to logic by complaining that Indians were not sufficiently loyal! At the same time, he told the Viceroy, Lord Reading, that it was no easy task to keep his colleagues steady on the accepted India policy, "let alone new instalments of it".¹¹

This "friend" of India revealed himself in his true colours when he declared: "If the existence of our empire were challenged, the discharge of responsibilities of the British Government prevented and demands were made in the very mistaken belief that we contemplate retreat from India—then India would not challenge with success the most determined people in the

⁸ *Frederick Edwin Earl of Birkenhead: The Last Phase*, by his son The Earl of Birkenhead, Volume II, T. Butterworth, 1935, pp. 245, 248.

⁹ *The Art of the Possible: The Memoirs of Lord Butler*, Hamish Hamilton, 1971, p. 36. Lord Irwin was the Viceroy of India from 1926 to 1931. F.E. were the initials of Lord Birkenhead when he was plain Smith.

¹⁰ *Edwin Montagu: A Memoir and an Account of his Visits to India* by S. D. Waley, Asia, 1964, p. 145.

¹¹ *Lord Reading: The Life of Rufus Isaacs, First Marquess of Reading* by H. Montgomery Hyde, Heinemann, 1967, p. 369.

world, who could once again answer the challenge with all the vigour and determination at its command". On February 22, 1922 Gandhi gave a fitting reply to this "insolent threat" by asserting that India would "fight to the finish" to reach her political goal. No British political party, Conservative, Liberal or Labour, was prepared to abandon this country. Lord Balfour stated the profound truth when he said that, whatever party was in office in England, the Conservatives were always in power. Despite this fact, many Indian politicians persisted in believing that the British would voluntarily leave this country after giving its people ample opportunities to learn how to govern it according to the Westminster system.

The Simon Commission, which was appointed by the Conservative Secretary of State for India, Lord Birkenhead, to inquire into the working of the system of government set up by the Act of 1919, unhesitatingly came to the conclusion that the Indians were unfit to administer their own affairs. Sir John Simon, Chairman of the Commission, wrote thus in January 1929: "I sometimes feel as though I had been asked to spend two years over a gigantic cross-word puzzle, with the tip whispered into my private ear that the puzzle has no solution". He was referring to India's constitutional future.

Simon was Britain's most expensive lawyer and a pillar of British imperialism. He wrote in his Memoirs that acceptance of Birkenhead's assignment meant "the complete abandonment of my practice at the Bar" which was considerable. He was, however, prepared to make this sacrifice in the service of his country and Empire when the opportunity swam into his ken.¹² His die-hardism pleased only those of his political persuasion. "I agreed with Baldwin", writes Lord Butler, "that Simonism was not enough and that 'if we were to keep India within the Commonwealth, we must be prepared to go much further and faster'".¹³ These were fine words but with no counterpart in action.

It is small wonder, therefore, that Indians drew a blank at the three Round Table Conferences held in London. Mahatma Gandhi, who attended the second session, which lasted from Sep-

¹² *Retrospect: The Memoirs of The Rt. Hon. Viscount Simon Hutchinson*, 1952, p. 144.

¹³ *The Art of the Possible* by Lord Butler, p. 42.

tember 7 to December 1, 1931, was prepared to accept any progressive measure even if it fell short of Dominion Status. No less a person than Sir Samuel Hoare, Secretary of State for India, conceded the reasonableness of the Mahatma's stand. "I believe," he wrote, "that if I had been able to tell him (Gandhi) 'Take Dominion Status at once without any safeguards', *we should not only have found him one of our best friends but he would immediately have offered us in return all the safeguards in the Government of India Bill and many more besides if any one had wanted them*".¹⁴ (Emphasis mine). Like Stanley Baldwin, Hoare was merely indulging in platitudes because, like all votaries of imperialism, it was impossible for him to think of releasing India from British political apron-strings. Writing in October 1933, he said: "Providence could not have supplied a more natural economic relationship than that which has arisen between Great Britain and India in the course of history".

There was a carefully-planned conspiracy not only to discredit Gandhi's mission in London but also to sabotage the Conference. Professor Harold Laski, who was intimately connected with the deliberations, wrote to Mr. Justice Holmes of America, saying that if he had a free hand a settlement of the communal problem would have been comparatively easy, but the "damned Tory Secretary of State", Hoare, and his supporters made any such understanding impossible.¹⁵

A White Paper, published on March 15, 1933, summarised the conclusions reached at the three Indian Round Table Conferences. It served as a sort of working paper for a further scrutiny of India's constitutional needs. In April, a joint committee of both Houses of Parliament was formed under the chairmanship of Lord Linlithgow, the future successor of Lord Willingdon as India's Viceroy, to undertake this unnecessary task. The Joint Parliamentary Committee was not prepared to meet the Indian nationalists even half-way. It declared pontifically that "responsible government is not an automatic device which can

¹⁴ *Nine Troubled Years* by Viscount Templewood (The Rt. Hon. Sir Samuel Hoare), Collins, 1954, p. 63.

¹⁵ *Holmes-Laski Letters: The Correspondence of Mr. Justice Holmes and Harold J. Laski, 1916-1931* edited by Mark De Wolfe Howe, Harvard University, 1953, pp. 1330, 1332, 1335, 1336, 1338, 1348.

be manufactured to specification. It is not even a machine which will run on motive power of its own". The Indian Delegation's efforts to secure even minimum concessions proved abortive.

The Government of India Act of 1935, whose provisions were derived from the subject-matter of the White Paper and the Report of the Joint Committee on Indian Constitutional Reform, could not in the nature of things be a liberal statute. No less a person than its architect, Sir Samuel Hoare, admitted that few Indian public men welcomed it. The entrenched authority of the British in India was not allowed to be weakened. Both Professor A. B. Keith and Sir Reginald Coupland exposed its inadequacies. The latter wrote: "The essence of Dominion Status is its assertion of equality between a Dominion and Britain and the other Dominions. India would not attain to this equality under the Act of 1935".¹⁶

It is evident from this historical survey that never during their dominion in India, lasting for nearly two hundred years, did the British give her people genuinely free institutions so that they might acquire the necessary ability and experience to make a success of parliamentary democracy when they became free. Not a single forward step was taken in that direction because the foreign rulers had no intention at all of leaving the country at any time. In England, the struggle for power, which began as far back as 1215 A.D., led to a steady retreat of the monarchy from despotism and to the consequent growth of democratic forces in the country. The execution of the Stuart King Charles in January 1649 was justified on the ground that he had tried by a "wicked design" to "erect and uphold in himself an unlimited and tyrannical power to rule according to his will and to overthrow the rights and liberties of the people".

George II made several attempts to regain the arbitrary powers which the Crown had lost. In 1757, for instance, he renewed his assault on Pitt's ministry. He dismissed Pitt from office but could get no one to take his place as Prime Minister. By a series of precedents, which were often unnoticed, the Crown was forced not to act without advice from responsible ministers and to take its policy only from them. The limitations imposed

¹⁶ *The Constitutional Problem in India* by R. Coupland, Part I, Oxford, 1944, p. 143.

on its powers were so comprehensive that the Crown could not function at all except on the advice of the council of ministers. Thus the foundations of democracy are broad and deep in England.

India's struggle during the British period was more for national independence than for parliamentary institutions. The popular movement under Mahatma Gandhi's leadership often convulsed the British Raj. As far back as 1918, the Viceroy, Lord Chelmsford, wrote to the King saying that 95 per cent of the Indian educated class was "inimical" to the British dominion. Gandhi's salt *satyagraha* of March 1930 was even more serious. The Bombay Government reported to the Centre that the movement was becoming increasingly broad-based. Lord Irwin, the Viceroy, told the Secretary of State for India that the "dimensions" of the challenge surprised most people including himself. He added "We should delude ourselves if we sought to under-rate it".

While in England the popular campaign against royal despotism strengthened the bases of democracy, no such thing happened in India. A determined foreign bureaucracy was ranged against Indian nationalism and practised the worst form of machiavellism to defeat it. So, the Gandhian movement, while it could undermine the foundations of the British Raj, could not succeed in securing democratic institutions for the country. In the light of British intransigence, the Mahatma's campaign of non-co-operation could not be condemned as unconstitutional. It was in fact ultra-constitutional. Even so, the gain from it was rather negative. The ability it gave to the people to unite was directed towards pulling down and not towards constructive endeavour. They quickly learnt the grammar of anarchy and not the grammar of democratic politics. Today the country is experiencing the disastrous impact of this lesson.

Thus, while the advent of British rule to India was not an unmixed evil, it was not an outstanding blessing either. Besides depriving the Indian people of the only system of government, namely, monarchical, to which they were accustomed for ages, it stubbornly refused to train them for parliamentary democracy. By creating an English-educated class and inspiring its members with Western ideas and ideals, it unwittingly lengthened the distance between them and the masses. The new Indian elite,

whose knowledge of free institutions was drawn entirely from text-books, chose to impose on the country a type of government that is as alien to the masses as the foreign Raj was.

3. THE CONSTITUTION

(i) *General*

THE Constituent Assembly of India, which met for the first time on December 9, 1946, did not embark upon its historic task under favourable omens. The country was in a state of turmoil. The Muslim League, which had earlier won a resounding electoral victory, was determined not to have anything to do with the constitution-making body and to bring about the partition of the country by destroying its immemorial territorial integrity. The future of the ruling princes presented an equally baffling problem. Not all of them were prepared to pass a self-denying ordinance upon themselves by agreeing to the merger of their States into India's wider unity. Some of them in fact strove to achieve independent sovereignty for themselves after the abrogation of British paramountcy over the princely states. The conditions in the country were thus most favourable for its disintegration into a no-man's land. It was at this time, when there was darkness at noon, that the Constituent Assembly set out to frame an instrument of government for free India.

The partition of the country in August 1947 certainly freed the constitution-makers from some of the major constraints on their initiative. Thenceforward the question whether the constitutional set-up of the country should be federal or unitary ceased to be an intractable issue. Even so, the complexity of the task that lay before the Assembly remained. Long before the advent of freedom, the Congress had pledged itself to ensure that the constitution of independent India would be a truly national product, framed by persons chosen on the basis of adult franchise. For many reasons, this praiseworthy aspiration could not be realised in its entirety. As we saw in the last chapter, the British never intended to leave India voluntarily, which forced the Congress to abandon its traditional policy of constitutional agitation in favour of direct action with the support of the masses. The party thus achieved a pre-eminent position in the national affairs and became almost the sole beneficiary of the transfer of power.

This development was fully reflected in the composition of the Constituent Assembly where the Congress claimed as many as 82 per cent. of the seats. With his characteristic discernment, Mahatma Gandhi saw that the Assembly would stultify itself if it became a one-party body. Many non-Congress leaders, including Dr. B. R. Ambedkar, the redoubtable opponent of the Congress and an unsparing critic of the Mahatma, were accordingly inducted into it. Most of these men were highly talented and made an invaluable contribution to the constitutional discussions.

Nevertheless, the dominance of the Congress in the Assembly was undoubted. Some of its front-rank leaders like Pandit Jawaharlal Nehru, Sardar Vallabhbhai Patel, Dr. Rajendra Prasad and Maulana Abul Kalam Azad were widely esteemed for their great sacrifices during the national struggle and for their sincere desire to promote the well-being of the common man. They were firm believers in the principles of democracy and tolerance. Even so, the intimidating personality of men like Nehru and the Sardar rendered any opposition to their will totally ineffective. It may not be right to say that these stalwarts constituted an oligarchy in the Assembly, but there is no doubt that the dissentients and the non-conformists could rarely have their own way during the deliberations. A sympathetic interpreter of the Indian Constitution says: "The Assembly was the Congress and the Congress was India".¹ Though exaggerated, this statement admirably sums up the status of the constitution-making body.

The Assembly suffered from yet another disability. Its members were not the chosen representatives of India's teeming millions. The principle of mass suffrage, so ardently supported by the Congress, was put into effect only after independence. Under the Government of India Act, 1935, barely 30 million people were enfranchised in 1937. This number rose to 40 million during the 1946 elections which provided the basis for representation in the Constituent Assembly. One may have strong reservations about the efficacy of adult franchise in relation to a predominantly illiterate and indigent population, but it is undeniable that a major Congress prescription concerning the composition of the constitution-making body was not complied with. Not many will

¹ *The Indian Constitution: Cornerstone of a Nation* by Granville Austin, Oxford, 1966, pp. 8, 9.

agree that Congress is India, but it is perhaps permissible to say that the Constitution of free India is essentially a Congress product. Many important shades of opinion did not have an adequate say in its formulation.

Nehru was by far the most influential member of the Assembly and has rightly been described as its idealist. An ardent champion of democracy, socialism and secularism, he was the idolized leader of both the classes and the masses. He affirmed his solicitude for the latter in these glittering words: "The service of India means the service of the millions who suffer. It means the ending of poverty and ignorance and disease and inequality of opportunity. The ambition of the greatest man of our generation has been to wipe every tear from every eye. That may be beyond us, but as long as there are tears and suffering, so long our work will not be over". He told the Constituent Assembly that its first task was to frame a constitution that would ensure the feeding of the starving population and the clothing of the naked masses. It should also give every Indian "the fullest opportunity to develop himself according to his capacity".

Nehru's noble thoughts about the aims and objects of the proposed constitution were shared by many other members of the Assembly. They were equally anxious that the supreme statute of the land should vividly portray the Periclean concept of political liberty and economic justice. Most of the persons who played a crucial role in framing the constitution were firm believers in the Western political thought and in the Western free institutions. The Assembly's Constitutional Adviser, Sir Benegal Narsing Rau, was endowed with superlative brains. His knowledge of constitutional law was phenomenal while his abilities as a draftsman were no less outstanding. He loved his motherland and admired its many-sided achievements in the past, but his political outlook was basically Western. Granville Austin writes thus about him: "He looked to Euro-American constitutional precedent perhaps even more than other Assembly members for the devices to be used in India's Constitution".³

Sir Alladi Krishnaswami Ayyar was another legal luminary who proved a tower of strength to the makers of the constitution.

³ *The Indian Constitution: Cornerstone of a Nation* by Granville Austin, p. 20.

He had wide knowledge of the democratic constitutions of the world and could quote chapter and verse from the important ones among them without much aid to his memory. "Sir Alladi", the late Dr. K. M. Munshi, another prominent participant in the Assembly's debates, once told me, "reminded me of a Vedic Brahmin. He had an astonishing memory. He had also a lucid mind. He could elucidate the most complicated constitutional point with admirable ease and clarity". Sir Alladi was an impassioned advocate of parliamentary democracy and thought that this was the only system that suited India best. He believed in the doctrine of the executive's accountability to the legislature and drew liberally from the British political classics in support of his stand. Speaking in the Constituent Assembly on December 10, 1948, he declared: "It is unnecessary to grow eloquent over the Cabinet system. In the terms in which Bagehot has put it, it is a hyphen between the Legislature and the Executive. In our country, under modern conditions it is necessary that there should be a close union between the Legislature and the Executive in the early stages of the democratic working of the machinery".⁴

The minds of the leading members of the Assembly were thus strongly impregnated with the Western doctrines of government. They had few doubts about the suitability to India of the sophisticated system they eventually evolved because they took it for granted that their countrymen had all the requisite qualities to ensure its successful working. There were, however, many who did not share their optimism. One set of dissenters would have liked the Gandhian concept of government to be made the basis of the constitutional proposals. From the time he assumed the national leadership, Mahatma Gandhi became the most persevering advocate of village uplift. His distrust of the urban-based Western civilization, with its emphasis on unlimited industrialisation, increased with years. He was convinced about the futility of attempting the revival of India's greatness from New Delhi. He told the Asian Relations Conference in March 1947 that Delhi was not India. He asked the delegates to go to the villages where, he said, the soul of India lived.

⁴ *Constituent Assembly Debates: Official Report, Volume VII* 4-11-1948 to 8-1-1949, p. 986.

He maintained that in any scheme for the social and economic regeneration of the country, the village must be accepted as the most crucial unit.

The Gandhian plea for building the state structure from the village level found little favour in the Constituent Assembly. Nehru declared categorically that the Congress had never considered the Mahatma's view of society "much less adopted it". He told the Assembly that whatever system of government was established "must fit in with the temper of our people and be acceptable to them". Sir Alladi Krishnaswami Ayyar and others maintained that nothing prevented the state governments from creating administrative units right from the village level. It is, however, idle to ignore the fact that the Constitution leaves rural India high and dry. This charge cannot be refuted by merely calling attention to the establishment of the "Panchayati Raj" in later years. Commenting on the continued neglect of the countryside by the Indian authorities, Barbara Ward, the eminent British economist, said a decade ago: "On the side of administration proper, from the highest level downwards agriculture gets priority in rhetoric but rarely in fact".³ This verdict has remained valid down to the present day. Is it any wonder that India's masses know nothing about the political and economic systems that regulate their lives?

The Constituent Assembly thus drew up a constitution without giving much thought to the question whether it would at all meet the peculiar needs of the country. Idealism triumphed over pragmatism. Emotion and eloquence smothered the voices of doubt and dissent. The Congress had pledged itself to find a place for fundamental rights and directive principles in the Constitution. Both were accordingly written into it *in extenso* and were acclaimed as its conscience. The two were preceded by a Preamble which derived its inspiration from the American Constitution of 1789. Without their knowledge or comprehension, "the people of India" were made to resolve solemnly "to constitute India into a *Sovereign Democratic Republic*" and to secure to all its citizens the blessings of justice, liberty, equality and fraternity. It would be interesting to know what part "we, the

³ *The Plan Under Pressure* by Barbara Ward, The Council for Economic Education, Bombay, 1963, p. 37.

people of India", who contribute more than 45 per cent to the world's illiterate population and who are among the poorest in the same wide world, played in making such a grandiloquent affirmation.

The framers of the Constitution were able and well-meaning persons who, however, took many things for granted in their anxiety to give their countrymen a splendid instrument of government. It was within their competence to opt for parliamentary democracy but it was beyond them to prescribe the division of the country's political life on stable party lines. And yet no system of government, based on the supremacy of the legislature, can function efficiently or effectively unless there are evenly-matched political parties continually contending for power. Again, the constitution-makers did not take a close look at the type of the ruling elite free India had acquired. Had they done so, they would perhaps have found it necessary to endow the functionaries like the President of the Union and the Governors of the states with powers superior to those of the legislature and the executive. The plea to this effect by some members in the Constituent Assembly was rejected as being a negation of parliamentary democracy.

The result is that the various institutions and organs of government set up under the Constitution have suffered a grave distortion. Since the withdrawal of the British, the Congress party has been continuously in power at the Centre and in most of the states, rendering the growth and operation of the party system, the foundation of parliamentary democracy, chimerical. We have in this country what is known as "one party democracy" which is another name for oligarchy. It is true that during the convulsive period that accompanied Independence, the need for a well-organised party like the Congress to assume the responsibilities of government and to protect the components of the country from falling apart, was great. But, although more than a quarter century has passed since then, there is no discernible prospect of the Congress dismounting from the much-ridden governmental horse.

Though a great and formidable organisation, the Congress has never been a disciplined and homogeneous body. Even during its crusading career, it harboured in its capacious bosom a bewildering number of conflicting interests. And yet during the

British period, it was held together by the binding force of nationalism and by the leadership of men of towering abilities and personal rectitude. National independence has proved to be the most demoralising factor in the life of the party which has by and large come under the control of men to whom ends and means are mere words. How to perpetuate themselves in power and how to enrich themselves at the cost of the community have become the governing passion of most of them. The growth of casteism, linguism and regionalism is the natural outcome of this tendency on the part of the ruling class. It is small wonder, therefore, that the Constitution, far from strengthening the forces of secular democracy and bringing deliverance to the country's submerged millions, has become a pliant instrument in the hands of the ruling elite. It is against this dismal background that we must examine the various provisions of the Constitution.

There is a difference of opinion on the desirability or otherwise of including the Fundamental Rights and the Directive Principles of State Policy in the Constitution since neither of them form part of the machinery of government. It might be and it has in fact been argued that the rights and immunities to which they refer are implicit in every democratic society so that there is no need to make any express constitutional provision for them. By way of illustration, it is pointed out that the best safeguards for British liberty are in the good sense of the people of Britain and in the system of representative and responsible government that has been in existence there for centuries. This is a valid argument because Britain has no written constitution. Its Parliament is the supreme guardian and guarantor of the rights and liberties of its people.

In this respect, India belongs to the category of countries like America, Canada and Australia which have given pride of place to fundamental rights in their written constitutions. They consider a definition of these rights necessary on the ground that they are thereby withdrawn from the vicissitudes of political controversy and placed beyond the reach of legislative and bureaucratic encroachment. They are in fact regarded as essential for protecting the vital interests of human personality. Similar lofty sentiments animated the framers of the Indian Constitution when they devoted an entire chapter to the enumeration of these rights and sought to give them immunity from legislative and executive

assaults by means of judicial review.

Justice Patanjali Sastri of the Supreme Court stated the point of view of the constitution-makers on this issue with admirable clarity. So far as the Fundamental Rights are concerned, he firmly discounted the doctrine of parliamentary supremacy and equated them with those of America in the matter of their inviolability. He maintained that "the insertion of a declaration of fundamental rights in the forefront of the Constitution, coupled with an express prohibition against legislative interference with these rights (Article 13) and the provision of a constitutional sanction for the enforcement of such non-interference by means of a judicial review (Article 32) is, in my opinion, a clear and emphatic indication that these rights are to be paramount to ordinary State-made laws".⁶ And yet the fundamental rights, so essential in a democratic polity, have become a prolific source of friction between the highest court of judicature of the land and the Congress-controlled Parliament in the matter of their interpretation. What is equally ironical, some of these rights like the abolition of untouchability have for all practical purposes remained a dead-letter.

The three basic functions in the administration of a modern state are legislative, executive and judicial. The question as to what relation these departments should bear towards one another has been agitating the minds of constitutional experts from the days of Aristotle. Fearing the concentration of excessive authority in a single agency, the American constitution-makers chose to distribute national powers among all the three departments which were given constitutional and political independence of each other. The result is that the American President derives his powers not from the legislature but from the Constitution. The concept of ministerial responsibility to Parliament, upon which the British polity is based, is unknown to the American political system. The Indian constitution-makers chose to adopt the British model and thus made the legislature not only the supreme law-making body of the country but also its foremost governing council.

The debates in the Constituent Assembly conclusively prove

⁶ *My Life, Law and Other Things* by Motilal C. Setalvad. N. M. Tripathi. 1970, p. 159.

that its leading figures were profoundly influenced by the views of Mill and Bagehot on the relations between the legislature and the executive. Bagehot declared that the "efficient secret" of the English Constitution could be described as "the close union, the nearly complete fusion of the executive and legislative powers". Pursuing the subject further he said: "A cabinet is a combining committee—a *hyphen* which joins, a *buckle* which fastens, the legislative part of the state to the executive part of the state. In its origin it belongs to the one, in its functions it belongs to the other".⁷ Bagehot was describing the English Constitution as it was working in 1865-66.

Much water has flowed under the bridges of the Thames since then, but this simple fact somehow eluded the Indian constitution-makers who chose to make Parliament the sole authority to call the executive to account. While in the days of Bagehot, the British Parliament was supreme and was capable of making and breaking the ministries, it has ceased to be such a potent force now. The democratisation of the electorate, resulting from the enfranchisement of the adult population, fostered the growth of party machinery. Members of Parliament, who found it impossible to function independently under the changed circumstances, were forced to submit tamely to party discipline. A party commanding a stable majority in the House of Commons could look forward to an undisturbed enjoyment of power till another general election. Thus, by this historical process, even the House of Commons has been relegated to Bagehot's dignified part of the constitution. The existence of a powerful opposition and of an alert electorate alone insures against any single party imposing its sway permanently on that country.

Not all the members of the Indian Constituent Assembly were prepared to accept the British system as sacrosanct or as being ideally suited to Indian conditions. A relentless opponent of constitutional conformism and bigotry, Professor K. T. Shah pleaded with great pertinacity and earnestness for the adoption of the American system in which the executive is independent of the legislature. Addressing the Constituent Assembly on December 10, 1948, he argued that there should be as little inter-

⁷ *The English Constitution* by Walter Bagehot, Thomas Nelson & Sons, 1872, pp. 81, 85.

dependence between these bodies as possible. "The Executive", he said, "is in a position to corrupt the House: the executive is in a position to influence the votes of the members by the number of gifts or favours they have in their power to confer in the shape of offices, in the shape of Consulships, and any number of offices which the Executive has in its power to bestow". Commending the American type, the Professor suggested that the powers of the Indian President should be clearly defined. "I hold," he said three days later, "that we should arm the President with the authority to say that he represents the people". He did not, however, contemplate the abrogation of the parliamentary system and made his position clear by saying that the President should function "only in an emergency". He was, however, insistent that this high dignitary should not be a "mere gramophone of the Prime Minister".⁸

There were others who shared Professor Shah's preference for the presidential system. K. Santhanam, for instance, was at first in favour of it, but chose to change his mind after "listening to the discussions and after further consideration". He conceded that there was a strong case for the presidential executive "if strength and stability are the only considerations or even the main considerations to be borne in mind in framing the constitution of India". He thought that economic progress was far more important than stability and accordingly opted for the British system. He did not, however, explain how a separation of powers would have stood in the way of the country's material progress. A strong and efficient government with the capacity to take quick decisions is a far better agency for promoting national progress than an incompetent and dithering authority seeking to cover up its impotence with the trappings of democracy.

The free institutions in the country would not have fallen into disrepute and the very concept of democracy exposed to contempt and ridicule if the minority view in the Constituent Assembly had prevailed on this issue. The Parliament of India is intended to be much more than the imposing building in which it assembles. It is an august institution enshrining not only the dignity and sovereignty of the Indian people but also their hopes

⁸ *Constituent Assembly Debates: Official Report, Volume VII, 4-11-1948 to 8-1-1949, pp. 962, 993.*

and aspirations. Its functions are much more varied and important than those of making laws. It should ensure that the executive fulfils its duties and responsibilities strictly in accordance with its directives. In short, it should watch over the interests of the country and its people with the unsleeping eyes of Argus and chastise the ruling party should it fail to fulfil its obligations.

Today Indian Parliament is in no position to fulfil this exalted mission because it is dominated by a single irremovable party. Far from exercising any check on the executive, it has become its docile creature. Both the Constitution and the Parliament have been made subservient to the executive which, in the absence of a final authority, is becoming increasingly arbitrary and irresponsible. Its conception of the role of the Supreme Court, of the powers of the President and the Governors and of the relations between the Centre and the States has little conformity to the constitutional provisions. It has caused a considerable derogation from the dignity and effectiveness of Parliament by reducing it to the position of a single party chamber. Today Parliament exists merely to carry out the majority edicts even when there is considerable opposition to them both inside the House and outside. The Opposition, too small in its numerical strength, and too feeble to make any worthwhile impact on the policies of the Government, is becoming increasingly restive. Its discontent often manifests itself in ways that are least conducive to the dignity of the national legislature. Parliamentary authority has in fact degenerated into parliamentary anarchy. The Speaker's frequent lamentations show how heavy the fall of this great institution has been.

By a strange paradox, the Supreme Court of India has had to suffer vicariously for the growing enfeeblement of Parliament. Enjoying unchallenged power for over a quarter century, the ruling party has developed a sense not only of self-satisfaction but also of self-righteousness. It cannot make mistakes because it is infallible. So, if something goes wrong in the country, somebody else is responsible for it. For example, the Supreme Court is blamed for exercising its power of judicial review concerning the fundamental rights. The ruling party wants the highest judiciary of the land to be "committed", that is to say, to forswear its judicial impartiality. Though not justiciable, the Directive Principles of State Policy acquire a sudden importance and

are pitted against the Fundamental Rights to tell the credulous masses that the Supreme Court is opposed to social progress. The occasion is also used to arm the pliant Parliament with absolute powers to make inroads into any part of the Constitution, including the chapter on Fundamental Rights.

The Constituent Assembly, which was full of eminent lawyers, gave serious thought to the question of the powers of the Supreme Court of India since it forms a vital component in the trilogy of the Central Government's powers. The Assembly decided that the Union Judiciary should be endowed with powers much wider than those given to any Federal Supreme Court in the world. It has accordingly been made the highest court of appeal and has original jurisdiction in disputes between the Union and the States and between the States *inter se*. It is the highest court of civil and criminal appeal and has "overriding powers to grant special leave to appeal from any judgment, decree, determination, sentence or order in any cause or matter passed or made by any court or tribunal in the territory of India except a court or tribunal constituted by or under any law relating to the Armed Forces".⁹ All civil and judicial authorities in the country are under the constitutional obligation to act in aid of this Court.

The Supreme Court is also the defender of the Constitution. It is charged with the responsibility of protecting the fundamental rights by exercising the power of judicial review. Sir Alladi Krshnaswami Ayyar, himself an outstanding lawyer, told the Constituent Assembly that the evolution of the Constitution would greatly depend upon the Supreme Court and "the direction given to it by that Court". The judiciary could not, of course, ignore the social, economic and political tendencies of the times. He further said: "In the process of the interpretation of the Constitution, on certain occasions, it may appear to strengthen the Union at the expense of the units and at another may appear to champion the cause of provincial autonomy and regionalism. On one occasion, it may appear to favour individual liberty as against social or state control and at another time it may appear to favour social or state control. It is the great tribunal which has

⁹ *Constitutional Law of India: A Critical Commentary* by H. M. Seervai, N. M. Tripathi, 1967, p. 1006.

to draw the line between individual liberty and social control".¹⁰ In other words, the hallmark of the Court should be judicial impartiality.

The working of the Union Judiciary for a quarter century shows that it has not deviated from this ideal. "The Supreme Court", declared Chief Justice Kania, "an All-India Court, will stand firm and aloof from party politics and political theories. It is unconcerned with the changes in the government. The Court stands to administer the law for the time being in force, has good-will and sympathy for all, but is allied to none. Occupying that position, we hope and trust it will play a great part in the building up of the nation, and in stabilizing the roots of civilization which have twice been threatened and shaken by two world wars, and maintain the fundamental principles of justice which are the emblem of God".

The Supreme Court came into existence on January 26, 1950. In his capacity as the first Attorney-General of India, M. C. Setalvad opened the proceedings with a speech in which he referred to the role of this highest court of judicature. He called attention to the fact that the Court would be required to mediate between the individual and the Government. "The detailed enumeration", he declared, "of fundamental rights in the Constitution and the provisions which enable them to be reasonably restricted will need wise and discriminating decisions".¹¹

Despite the fact that the Judges of the Supreme Court are men of great ability and are high-minded, they have often been misunderstood and even maligned by the politicians who allege that on issues affecting the fundamental rights, the Court has often weighted the scales in favour of the vested interests and the *status quo* and against social justice. They draw attention to the Golaknath case of 1967 and other instances to justify their allegation. In this famous case, the validity of the land legislation passed by the States of Punjab and Mysore (now Karnataka), fixing a ceiling on land holdings and authorising the distribution of the surplus land to the tenants, was questioned on the ground that it infringed the fundamental right of the landholders under clauses (f) and (g) of Article 19 and Article 14 of the Constitution. By

¹⁰ *Constituent Assembly Debates*, Volume VIII, pp. 223-24.

¹¹ *My Life, Law and Other Things* by M. C. Setalvad, pp. 149, 151.

a six to five majority, the Court held that no legislature was free to make changes in the basic principles incorporated in the Chapter on Fundamental Rights since they amounted to a virtual re-writing of the Constitution. At the same time, it upheld the validity of the impugned land legislation on the strength of the American doctrine of "prospective overruling".

The judgment provoked a good deal of acrimonious controversy. According to some, it raised for the first time the fundamental issue about the place of the judiciary in the scheme of the Constitution. M. C. Setalvad called it a political decision, based on the "apprehension that Parliament, left free to exercise its powers, would, in course of time, do away with the citizen's fundamental rights, including his freedom". The late Nath Pai, who introduced a Bill in the Lok Sabha to secure the annulment of the verdict in the Golaknath case, said in December 1968: "The destiny of India depends on one Judge—that in my quarrel". He complained that the judgment jeopardised the sovereignty of the people. "The power to amend the Constitution" he maintained, "is an inalienable part of the sovereignty of the people. It is this sovereignty that is being challenged by the Supreme Court".

The Congress, which had a slender majority in the Lok Sabha then, lay low till it won a resounding victory at the polls in 1971. Two hundred and ten Members of Parliament belonging to the ruling party petitioned the Prime Minister in July 1971 to bring about a radical change in the Constitution in response to the "massive mandate" received by the Congress for socialism. A seminar held on the 17th of that month on "Our Constitution and Social Transformation", attacked the Supreme Court for allegedly ignoring the Fourth Constitution Amendment. The result of such outcry was the introduction of the Constitution twenty-fourth, twentyfifth and twentysixth amendment bills in Parliament in the same year. The aim of these bills, which later became law, was to give absolute powers to Parliament to amend any part of the Constitution, to prevent the property-owners from seeking justice in a court of law if the compensation paid for acquiring their property was considered unfair and inadequate, and to deprive the former rulers of States of their constitutionally-guaranteed purses and privileges.

The judgment in the Golaknath case was not the only in-

stance that gave the politicians an excuse for adopting such drastic measures. They were angered by the Supreme Court's decision on the issue of bank nationalisation and on the President's order, seeking to revoke the guarantees given to the former princes. The Court did not strike down the legislation on the nationalisation of the fourteen scheduled banks, but it declared the provision for compensation as *ultra vires* on account of its inadequacy. It is wrong to say that the Court's order concerning the princes was a retrograde step. By its majority judgment, it did nothing more than uphold the paramountcy of the Constitution and the sanctity of its provisions. The rights and immunities granted to the ex-rulers had the support and sanction of a constitutional guarantee and the Court held that it was not open to the executive to extinguish them by a stroke of the pen. Expressing their views on this historic judgment, many jurists thought that the Government's object could be met by means of an appropriate amendment to the Constitution. The Court was not opposed to reform, but to the abrogation of guaranteed rights through an executive fiat.

It has been suggested that the decision in the Golaknath case should be viewed from a wider perspective. K. Subba Rao, who was the Chief Justice, and M. Hidayatullah who was with the majority when the February 1967 judgment was delivered, have been at pains to explain their stand. Subba Rao maintains that by upholding the doctrine of prospective overruling, the Court ensured that none of the laws passed till then to promote social welfare were upset. Writing towards the end of 1971, he rejected the "slogan" that the Constitution and the Fundamental Rights stood in the way of social progress. "There is no ground", he declared, "for supposing that the courts would have obstructed the progress of the country if the laws were valid, reasonable and in the interests of the public".¹² In a paper prepared for a seminar held in June 1972, he discussed the subject at greater length and pointed out that the Supreme Court had never lagged behind in giving its support to the doctrine of social justice.

He wrote: "It has applied the great doctrine of tolerance

¹² *The Constitutional Aspect* by K. Subba Rao, an article in *Quest*, November-December 1971, and reproduced in the book *Fundamental Rights and the Citizen*, edited by S. P. Aiyar & S. V. Raju, Academic Books Ltd., 1972, p. 20.

of religious diversity, subject to the law of social control, to diverse situations; it has protected individual liberty against arbitrary encroachment by the state; it has helped to evolve an industrial relations law that maintains the balance between labour's just claims and the demands of discipline; it has reduced arbitrariness in administrative law and has made it an effective instrument of progress; it has given liberal construction to many ancient concepts of personal law and brought them in line with the trends of modern society. It has helped the state in controlling social evils such as alcoholism, prostitution, adulteration of foodstuffs and medicines, smuggling, gambling, the dissemination of obscene literature etc."¹³ This detailed exposition ought to convince any fair-minded person that the Supreme Court is indeed a forward-looking institution and that it is fully alive to its duties and responsibilities.

The present backward condition of the country must, therefore, be traced, not to the alleged diehardism of the Supreme Court but to the imbecility of the politicians—a point of view that has been rightly stressed by Subha Rao in his earlier article. Besides, one is entitled to question the credentials of the Congress-dominated Parliament for making such serious inroads into the supreme statute of the land and thus lower it in public estimation. No law is immutable, but it is a widely-accepted principle that written constitutions should not be lightly tampered with.

The supremacy of the written constitution has been stated in memorable words by Alexander Hamilton in *The Federalist*. "The interpretation of the laws", he writes, "is the proper and peculiar province of the courts. A constitution is, in fact, and must be regarded by the judges as, a fundamental law. It, therefore, belongs to them to ascertain its meaning, as well as the meaning of any particular act proceeding from the legislative body. If there should happen to be an irreconcilable variance between the two, that which has the superior obligation and validity ought, of course, to be preferred; or, in other words, the constitution ought to be preferred to the statute, the intention of

¹³ *Role of the Judiciary in Indian Democracy* by K. Subba Rao, Ecumenical Christian Centre, Bangalore, 1973, pp. 12, 13.

the people to the intention of their agents".¹⁴

The views of another authority on the value of the written constitution are equally instructive. "Certainly", says Chief Justice Marshall, "all those who have framed written constitutions contemplate them as forming the fundamental and paramount law of the nation, and consequently, the theory of every such government must be, that an act of the legislature, repugnant to the constitution, is void. This theory is essentially attached to a written constitution, and is consequently to be considered by the court, as one of the fundamental principles of our society".¹⁵

Apart from this weighty consideration, the Congress-controlled Parliament cannot by any stretch of imagination claim that it represents "We the people of India", the supposed framers of the Constitution. The Congress secured its parliamentary majority in the 1971 elections on the strength of only 43.62 per cent of the votes cast in its favour. Subba Rao rightly calls attention to the observations of an authority to drive home the point that majority edicts do not have much sanctity. He quotes Carl J. Friedrich who says thus in his book *Constitutional Government and Democracy*: "It is all very well to claim that the Parliament of the majority of the people is 'sovereign'. But the moment one does so, it becomes impossible to maintain the idea of a constitutional system with its protection for the individual and the minority against any arbitrary action of the majority in Parliament or out of it. Absolutism in its various forms provides for concentration of power; while constitutionalism provides for divided exercise of power. By definition the constitutional democracy is one which does not grant all powers to the majority".

Although the veteran leader, the late C. Rajagopalachari, applauded the majority judgment in the Golaknath case, it may be that it was not in consonance with the spirit of the times. But then judicial decisions are not immutable like the Laws of the Medes. The Golaknath case passed into history when on April 24, 1973 the Supreme Court upheld the validity of the 24th amendment to the Constitution. Speaking at a protest meeting held on May 4 of that year against the supersession of three senior Judges for the office of the Chief Justice of India, M. Hidayat-

¹⁴ *Federal Government* by K. C. Wheare, Oxford, 1946, p. 65.

¹⁵ *Judicial Review & Fundamental Rights* by S. N. Ray, Eastern Law House, 1974, p. 15.

tullah declared with refreshing candour: "It may be that for the moment the judges may be in error. I don't say that my brother Shah or myself were right in the Golaknath case. We might have been very conceivably wrong. Well, our mistake has been pointed out. There is an end of the matter".

There could not, however, be an "end of the matter" so far as the politicians were concerned. With the aid of its majority in Parliament, the ruling party had succeeded in gaining absolute control over the legislative organ of the Union Government. It felt that there was equal necessity to ensure that its path was not crossed by the Union Judiciary so that it could have its own way not only in the passing of laws but also in their interpretation. When Chief Justice S. M. Sikri retired in April 1973, the Union Government chose as his successor a relatively junior Judge by superseding three senior Judges, Justice Shelat, Justice Grover and Justice Hegde. Expressing his regret that he was not consulted about the new appointment, Sikri declared that the Judges who had been bypassed were "very good". Apart from the fact that the aggrieved Judges resigned their posts, there was wide protest in the country against the arbitrariness of the Government. K. S. Hegde, who was most forthright in the expression of his resentment, declared: "I had reason to believe that Mrs. Gandhi was greatly piqued by my decision in her election appeal. Ever since her agents were busy trying to build up a case against me".¹⁶

In a vain attempt to defend the indefensible, the Government came forward with the most contradictory explanations. On May 4, the Prime Minister denied that the Government bore any animus against the judiciary. "All that has happened", she said, "is that we did not bow before the idol of seniority". Two days earlier, the Minister for Steel and Mines, the late Mohan Kumaramangalam, had made a categorical statement in the Lok Sabha that the Government was interested in having a committed judiciary. He said: "It would be foolish on our part to ignore the basic outlook of a judge. We have a duty to take into account the philosophy and outlook of a judge in deciding whether he should or should not lead the Supreme Court". Calling attention to the Golaknath case, he said that during the ensuing six-

¹⁶ *The Indian Express*, May 2, 1973.

year period there had been a "confrontation" between Parliament and Government on the one hand and the Supreme Court on the other.¹⁷

Addressing the same House on May 4, the Union Minister for Law and Justice, H. R. Gokhale, claimed: "We are not interested in having a pliant or weak court. It is a cardinal principle of ours that the Court must be independent and strong. But independence and strength of the court by itself will not be of any value without understanding of the deeper affairs which motivate millions of people who want a new and better life". He declared that the appointment of the new Chief Justice had been "exploited for political purposes". Earlier, the Law Minister had said that the first Law Commission did not regard seniority as an absolute principle. He held the view that the Directive Principles of State Policy were of great importance and must supersede the Fundamental Rights. As far back as August 1971, he had maintained that the Government had a "massive mandate" from the people to carry out its socio-economic programme.¹⁸

The untenability of the Government's stand was thoroughly exposed by persons most competent to do so. M. C. Setalvad, who was the Chairman of the first Law Commission, rejected the interpretation which H. R. Gokhale had sought to put on the recommendation of that body on the appointment of the Chief Justice of India. The Commission had asked for the establishment of a convention in the matter but this had not been done. Dealing with Kumaramangalam's point of view, he said that it represented a doctrine that was "subversive of the independence of the judiciary".

N. A. Palkhivala, a great authority on constitutional law, who also spoke at the protest meeting, said: "In no other democracy do the Ministers malign the courts regularly in public as in India". He quoted chapter and verse from the Law Commission's Report to prove that the Law Minister was wrong in interpreting its recommendation about the appointment of the Chief Justice in the manner he did. Examining the Steel and Mines Minister's stand, Palkhivala said that what the Government virtually wanted was that the Chief Justice "should subscribe, not

¹⁷ *The Times of India*, May 2, 1973.

¹⁸ *The Times of India*, August 4, 1971.

to the philosophy of the Constitution, but to the philosophy of the ruling party. In all other democratic countries, a judge is expected to shed his political philosophy after he takes his seat on the Bench; whereas our Government expects our judges to adhere to or acquire a particular political philosophy after assuming judicial office".¹⁹

M. C. Chagla, former Chief Justice of Bombay, is equally firm in rejecting the Government's apologia about the supersession of the three senior Judges of the Supreme Court. He feels strongly about the constitutional amendments which give Parliament a reservoir of arbitrary powers to do anything it likes with the supreme statute of the land and with the Fundamental Rights. He writes: "Finally, I strongly opposed the 24th and 25th constitutional amendments introduced by the Law Minister, Mr. Gokhale. I confessed that it was to me a sad spectacle, an ex-Judge delivering the funeral oration on and performing the obsequies of Fundamental Rights which had been guaranteed to the citizens of India under the Constitution".²⁰

The politicians are most resourceful in making unfounded allegations against those whom they dislike. They allege that the Indian judiciary in its higher echelons is a den of richardism because its members belong to the affluent classes. This is untrue because there are any number of instances to show that the judges hail from all sections of the community. The present Union Law Minister gave up his judgeship of a High Court on the ground that the salary received by him was not adequate to maintain himself well. When Hegde was approached for interview by about fifty pressmen and others soon after his resignation from the Supreme Court, the room and the furniture at his residence were too inadequate to accommodate the visitors. He asked them to compare his living conditions with those of ministers and senior officials.

Writing in May 1973, K. Subba Rao effectively met the point about the judges' social status. He asked: "Why should they support the vested interests?" and added: "They come from all classes of society, middle class, lower middle class and poor.

¹⁹ *A Judiciary Made to Measure* edited by N. A. Palkhivala, pp. 6, 8, 45-55.

²⁰ *Roses in December: An Autobiography* by M. C. Chagla, Bhartiya Vidya Bhavan, 1973, p. 462.

Some of them belong to the backward communities.....Perhaps if a comparative study is made, some people in the executive and in Parliament are in a way richer than most of the judges of various Courts".²¹ Upright judges have no sides to take because they are firmly committed to uphold the Constitution and to defend the cause of justice.

It is evident from this detailed study of the relations between the Union Judiciary on the one side and the legislature and the executive on the other that the three organs of central government are not functioning in the manner ordained by the Constitution. The executive's attempt to bridle the judiciary cannot be in the best interests of the administration of justice. M. C. Setalvad, the doyen of the legal profession, wrote: "Appointments to judicial office are governed less by merit and more by political considerations and patronage. There is little doubt that there is a substantial decline in the competence and probity of the judiciary".²² Surely, the constitution-makers could not have countenanced such a development.

There are a number of areas having no manner of concern with the judiciary where vigorous and purposeful executive action can fulfil many of the provisions relating to the fundamental rights and the directive principles. A few instances may be recalled here to prove how dereliction of duty on the part of the Government is largely responsible for the absence of social and economic progress in the country. In the chapter on fundamental rights, Article 16 provides for equality of opportunity in matters of public employment. Favouritism and nepotism have reduced this injunction to a deadletter, forcing many a talented young person to seek his fortune abroad. Untouchability is "abolished" under Article 17, but at no time was the persecution of the Scheduled Castes more widespread and relentless than it is now. The Government's measures to ameliorate their condition are frustrated by the bureaucrats and by the members of the ruling party itself.

Article 23 interdicts traffic in human beings and forced labour but few are interested in enforcing this provision. In a perceptive newspaper article, Chanchal Sarkar draws attention to

²¹ *The Supersession of Judges—The Price of Executive Interference* by K. Subba Rao, May 14, 1973.

²² *My Life: Law and Other Things* by M. C. Setalvad, p. 622.

the grim fact that there are numberless children in the country who know no childhood at all. He cites the instance of a bidi-making factory where children are employed to work from sunrise to sunset for a miserable daily wage of Rs. 2.50. He gives many other instances of man's inhumanity to man and points out how expert reports on social welfare abound only to be pigeonholed. Writing with righteous indignation, he says: "With paper outrageously expensive now, I suppose this institutionalised hypocrisy, this sublimation of action through written words, will stop. Not spoken words, though".²³

The Indian constitution-makers were inspired by the example of the Irish Free State in incorporating a number of Directive Principles into the Constitution. Though not justiciable, they are nonetheless fundamental and impose a moral obligation on the State to implement them diligently and expeditiously. They promise a generous deal to every Indian, irrespective of his caste, creed or colour. Social justice, opportunities for employment and education and preferential treatment for certain backward sections of the community are promised. Under Article 43, the State has undertaken to ensure that all agricultural, industrial and other workers receive a living wage and good working conditions. This goal has remained utopian as also the commitment in Article 44 to "secure for the citizens a uniform civil code throughout the territory of India".

The promise of providing free and compulsory education for children under Article 45 has also remained only on paper. To give one more instance, the introduction of Prohibition under Article 47 has put such a premium on crime and violence that many States have considered it prudent to do away with this dangerous reform. "Bootlegging and gangsterism" says the Study Team on Prohibition in its Report submitted to the Planning Commission in 1964, "go hand in hand in congested localities in large towns. The gangster leaders, known as 'Dadas' in Maharashtra, have acquired considerable wealth, power and influence in their locality and people live in dread of them". The Team, which was presided over by Justice Tek Chand, calls attention to the prevalence of corruption among the enforcement authorities

²³ *Children Without Childhood* by Chanchal Sarkar, *The Indian Express*, March 27, 1974.

and observes: "Once an inroad has been successfully made into the integrity of an enforcement official, the door is open wide for other crimes as well".²⁴

In the light of these facts, it would be more honest for the Government to own its own shortcomings than to blame others. As we saw earlier, the two chapters on political liberty and social justice have been described as the "conscience" of the Constitution. Thanks to the incapacity of the Government for statesmanlike action, that "conscience" has been virtually killed.

(ii) *The Executive*

The experience of twenty-five years has shown conclusively that the much-heralded Constitution has failed to fulfil the hopes and aspirations of both its makers and the people of the country. It has naturally provoked strong criticism and is condemned for its unwieldiness and complexity. "Bulky it is," says a writer, "as it was written in a 'joint family' manner and not reduced to a concise charter".²⁵ Perhaps, it is not an exaggeration to say that the Indian Constitution is of the lawyers by the lawyers, for the lawyers. The enormous volume of litigation which it creates fully justifies this indictment.

Even more serious is the criticism that it does not fully take into account the limitations of the Indian people to operate it efficiently. This is perhaps not surprising because most of the leading constitution-makers were brought up on Victorian political ideas. They opted for a system of government that can suit countries with relatively small and homogeneous populations and with a high level of political awakening and economic well-being. This is a severe test which few large developing countries can pass. It is small wonder, therefore, that most of the backward countries of Asia, Africa and Latin America have chosen to be governed by a system that ensures strong and purposeful government with the capacity to grapple with grave national problems like disease, hunger and illiteracy.

²⁴ *Report of the Study Team on Prohibition April 1964*, Planning Commission, Government of India, p. 161.

²⁵ *Constitutional Development in India* by Charles Henry. Alexandrowicz, Oxford, 1955, p. 231.

Many of the framers of the Indian Constitution were familiar with the evolution of parliamentary democracy in Britain. The Westminster system has succeeded in that country not only because it is indigenous to the soil but also because it has centuries of history behind it. That history begins with the wresting of a charter of rights called Magna Carta in 1215 A.D. from King John by the barons of England. It is an epoch-making document, the 39th Article of which may be broadly rendered thus: "No free man shall be taken or imprisoned or disseised (i.e. deprived of his lands) or outlawed or in any way destroyed, nor will we go upon him nor put upon him, except by the lawful judgment of his peers or the law of the land". Read in the context of our own times, this royal commitment to uphold the *habeas corpus* doctrine may not sound revolutionary, but it was undoubtedly so in that remote period.

The fact that the Magna Carta was confirmed by subsequent monarchs fifty-five times bears ample testimony to its crucial importance in Britain's constitutional history. In fact, it set in motion a tendency which has not yet stopped in that country. The barons were no democrats and they certainly did not fight the battles of the common man on the plains of the Runnymede, but their success in making inroads into royal prerogatives and despotism was of momentous importance to the cause of democracy. British monarchy was made to feel the power of the new force by the middle of the seventeenth century. The great principle that ministers are responsible to Parliament in the sense that they cannot govern without the support of the majority in the House of Commons dates from the Grand Remonstrance of the Long Parliament in 1641. King Charles I was told that he should employ only such ministers "as Parliament may have cause to confide in". If he failed to do so, Parliament would refuse to "give His Majesty such supplies for the support of his own estate nor such assistance to the Protestant party beyond the sea as is desired".

By the beginning of the nineteenth century the retreat of the monarchy before popular pressure to make Parliament the most effective governing council of the land was even more noteworthy. On April 13, 1807, it was possible for Lord Erskine to say in the House of Lords thus: "The King can perform no act of government himself. No act of state or government can be the

King's; he cannot act but by advice; and he who holds office sanctions what is done, from whatsoever source it may proceed".²⁶ That was the age of classical parliamentary government—an age that was abruptly and finally brought to an end in 1867 when Disraeli's Reform Act, widening the base of the franchise was passed. It is necessary to know more about this type of government and how it operated in England because some of the leading members of the Indian Constituent Assembly appear to have been profoundly influenced by it when urging its adoption by this country.

Walter Bagehot was a man of penetrating political perception whose study of the working of the British government of his time was unparalleled for the depth of its insight. A series of essays written by him for *The Fortnightly*, was published in book form under the title *The English Constitution* in 1867. Although it became out of date even before it was noticed by the press, the book has been acclaimed as the *locus classicus* for its authoritative exposition of the division of power in a democracy. Bagehot divided the constitution of his country into dignified and efficient parts and put the monarchy and the House of Lords in the former category. In his time Members of Parliament enjoyed considerable personal freedom and were untrammelled in consulting their conscience in fulfilling their obligations to their constituents. Irrespective of their party affiliations, they could collectively make and unmake ministries. This was possible because the tyranny of party discipline was unknown until after the nineteenth century.

Sir Gilbert Campion in his summary of "Parliamentary Government" in the *Encyclopaedia Britannica* says that in the fifteen years between 1850 and 1865 the government was defeated on an average of ten times in each session, without resigning. Such a thing is now impossible in any country which has adopted the parliamentary system of government. It was Bagehot's conviction that the "efficient secret" of the English constitution was "the close union, the near complete fusion, of the executive and legislative powers". The connecting link was the cabinet which was the "board of control chosen by the legislature, out of per-

²⁶ *King George The Fifth: His Life and Reign* by Harold Nicolson, Constable, 1952, pp. 110-111.

sons whom it trusts and knows, to rule the nation".²⁷

Another authority, John Stuart Mill, who wrote his book on Representative Government in 1861, was no less categorical in asserting the paramountcy of the House of Commons. The duty of the Commons was to watch and control the Government, to censure it freely and to expel the men opposing it from office and "either expressly or virtually to appoint their successors" if they abused their trust or fulfilled it in a manner which conflicted with the "deliberate sense of the nation". Both he and Bagehot were suspicious of mass suffrage and feared the consequence of the "brute voting power". "Constituency government", wrote Bagehot, "is the precise opposite of parliamentary government. It is the government of immoderate persons far from the scene of action, instead of the government of moderate persons close to the scene of action". He did not even have the premonition of the modern party system which has thoroughly undermined the independence of the Members of Parliament.

There is no evidence to show that the Indian champions of the political philosophy of Mill and Bagehot, who wanted it to be incorporated in the government of their country, were fully conscious of its utter irrelevance in the modern conditions of mass democracy and of class politics. A great lawyer, Sir Alladi Krishnaswami Ayyar upheld the parliamentary system with much eloquence and quoted Bagehot in support of his stand. He also championed adult franchise by affirming his "faith in the common man" and in the "ultimate success of democratic rule". That point of view was, however, totally at variance with that held by his British exemplars. Besides Mill and Bagehot, other authorities confidently predicted that mass suffrage would lead to a "cynical auction of policies between parties bidding for popular favour" and to the destruction of the independence of individual Members of Parliament.²⁸

The glory of Parliament as the supreme repository of national power was eclipsed with the broad-basing of the electoral system. Disraeli's Reform Act of 1867 doubled the number of voters at one stroke while in 1884 it was increased by a further 67 per

²⁷ *The English Constitution* by Walter Bagehot, Thomas Nelson, 1872, pp. 81, 85.

²⁸ *The Power of the Prime Minister* by Humphry Berkeley, George Allen and Unwin, 1968, p. 42.

cent. This resulted in the development of powerful mass parties with the capacity to impose iron discipline on their members. It became impossible for individual candidates to seek the suffrage of voters in the enlarged constituencies unaided so that they had to depend almost entirely upon their parties to fight their electoral battles. The price of such assistance was the demand for absolute and unquestioning submission to party discipline and to the party leader.

Under such a dispensation, the Members of Parliament became mere animated automatons. It was no longer possible for them to ventilate their views freely on the floor of the House unless what they said conformed to their party's policy. They could remain genuinely responsible to their own conscience and to their constituents so long as they functioned with a great degree of independence which included the crossing of the floor. With the growth of monolithic parties, such freedom of speech and action on their part became impossible. If they had any grievance, they could express it only at the party meeting upstairs and not give expression to it by walking into the division lobby. "Party loyalty", writes Richard Crossman, "has become the prime political virtue required of an M.P., and the test of that loyalty is his willingness to support the official leadership when he knows it to be wrong".²⁹ Disobedience means certain political death. Power migrated from the House of Commons as a result of this fateful development, pushing the great national legislature into the category of the dignified part of the Constitution. Thenceforward its control over the executive became a fiction.

The Prime Minister became the foremost beneficiary of the transfer of power from Parliament. There was, however, an interlude of some decades before this historic transformation took place. Throughout the Victorian period and even later, the system of cabinet government was in vogue and its working rested on the doctrine of collective responsibility. Among his colleagues, the Prime Minister was certainly *primus inter parse* but he was not yet paramount. Gladstone, for instance, had a "wonderful combination of imperiousness and of deference". He was emphatically of the opinion that the head of the British Govern-

²⁹ *Machine Politics: Walter Bagehot (II)* by R. H. S. Crossman in *Encounter*, April 1963, p. 21.

ment was not a Grand Vazier. This position, however, changed radically with the advent of Lloyd George as Prime Minister during the first world war. A man of outstanding abilities, Lloyd George used his great prestige to place the powers of the Prime Minister on an institutional basis by setting up the Cabinet Office. This institution has become an integral part of the British system of government.

There is thus no parliamentary or cabinet government in England but prime ministerial government. The collective responsibility of the Council of Ministers has now given place to their collective obedience to the imperious will of the Prime Minister who exercises powers on a scale not matched even by the American President. Bagehot's "efficient secret" of the English Constitution should, therefore, be traced to the functionary whose existence was not even known till the middle of the eighteenth century. Nearly every institution concerning the government, namely, the monarchy, the House of Lords, the House of Commons and the Cabinet has now been relegated to the dignified part of the Constitution.

Enlightened public opinion in England is not reconciled to such a development or to the domination of the venerable parliamentary institution by the two monolithic parties. The Question Time and the work of the Public Accounts and Estimates Committees ensure that even a government with a substantial majority must remain alert and sensitive to the climate of parliamentary opinion. The existence of a powerful constitutional Opposition also guarantees the security of democracy and its operation through the foremost free institution of the land. Even so, there is a persistent demand for the restoration of its pristine primacy to the House of Commons as the centre of the nation's power. It represents the people's long and heroic struggle for the vindication of their rights and has helped them for many centuries to keep almost all their main struggles within its arena.

In the modern State, where large areas of administration have perforce to be assigned to bureaucratic control, it is not possible to make the executive an instrument of the legislature to the same extent as in the past, but opinion in Britain is hopeful that the old inquisitorial powers could be restored to the House. A leading member of the Labour Party, Richard Crossman, wrote thus on February 6, 1974: "For some years, some

of us tried to reform the Commons from inside and had some success in such things as specialist committees. But what we were really trying to do was to restore the power of the Commons as a critic and a check on an executive whose arrogance does not conceal its incompetence. There we failed and our successors will fail like us until the public can see for themselves how parliament has been shorn of all control of the budget and the legislative time-table, how it rarely decides anything and how the only parts of this loquacious old fraud which Whitehall now fears are the Public Accounts Committee, the Expenditure Committee and one or two of the new specialist committees". Crossman suggested televising the proceedings of the House in the hope that it would "help to pull it out of its privileged twilight existence and expose it to the light of day".³⁰ There is certainly parliamentary democracy in England but not in the classical form described so well by Mill and so accurately by Bagehot in the latter half of the nineteenth century.

It is evident from this brief review of the British constitutional history that nothing is more misleading than to equate this country's system of government with that of Britain. The British constitution is unwritten and owes its strength and resilience to continually evolving conventions which are far more natural than written laws. In contrast, until her independence twenty-eight years ago, India was under the dominion of a highly bureaucratic government controlled by a foreign Power. She was thus denied the necessary experience in running free institutions. Besides, her Constitution is both complex and rigid. It contains only the legal powers which, even in the most essential spheres of government, have had no chance of crystallising into conventions.

Apart from the fact that conditions in the two countries are fundamentally different, the various evolutionary processes that mark the British governing system are wholly unknown in this country. While classical parliamentary government flourished in Britain a little over a century ago, the Indian intellectual elite, comprising a mere drop in the ocean of the country's population, has merely read about it in the books. Its knowledge of the flight of power from the floor of the House of Commons, of the

³⁰ *When Half a Loaf is Worse Than None* by Richard Crossman, *The Times*, London, February 6, 1974.

development of the system of cabinet government and of the emergence of the Prime Minister as the elected monarch of his country is equally theoretical. What it now sees in its own country is prime ministerial government without any of the checks obtaining in Britain. The "efficient secret" of the Indian Constitution is, therefore, prime ministerial absolutism which is sought to be justified by calling attention to the existence of the emasculated free institutions and by wrongly comparing them with the British organs of government.

Whether Dr. Rajendra Prasad had the whole range of historical development in Britain in his mind when he raised the issue of the President's powers, it is difficult to say, but the doubts expressed by him were not only pertinent but of great constitutional significance. He had no axe of his own to grind. He was a patriot and a scholar who had won his academic spurs in Calcutta University, acclaimed in those days as the seedbed of ability. He was also a distinguished lawyer. In seeking the clarification, he was, therefore, animated by the only desire that the new experiment of democratic government in the country should succeed. As in many other respects, the debates in the Constituent Assembly and the actual provisions in the Constitution on the powers of the President were confusing and conflicting. While some members held that the head of State should be an effective functioning, others thought that his position should be analagous to that of the British sovereign—all dignity and no power. Nehru told the Assembly that there was no intention to give real power to the President, but "we have made his position one of great authority and dignity". It is difficult to say what exactly the Prime Minister meant by this statement, but if words have any meaning "authority" is inseparable from power.

The Constitutional Adviser, Sir B. N. Rau, whose views, based on a considerable knowledge of constitutional law, are entitled to serious consideration, thought that the President of the Union should not be a mere ornamental figure. He should be clothed with authority to ignore the aid and advice of his ministers on certain occasions. Rau observed that "even if in any particular instance the President acts otherwise than on ministerial advice, the validity of the act cannot be questioned in a

court on this ground".³¹

Dr. Ambedkar, however, held an entirely different view. He said: "In the Draft Constitution there is placed at the head of the Indian Union a functionary who is called the President of the Union. The title of this functionary reminds one of the President of the United States. But beyond identity of names there is nothing in common between the form of government prevalent in America and the form of government proposed under the Draft Constitution". He was no less explicit when he said on another occasion: "If any functionary under our Constitution is to be compared with the United States President, he is the Prime Minister and not the President of the Union".

It was the considered opinion of the late Dr. K. M. Munshi, one of the leading architects of the Constitution, that no responsible member of the Constituent Assembly wanted the President to be powerless.³² Rajendra Prasad, who presided over the Constituent Assembly, was naturally puzzled by such conflicting views on the President's powers. In April 1948, less than two months after the draft Constitution was published, he wrote to Sir B. N. Rau saying that he did not find any provision in the document imposing an obligation on the President to accept and to act upon the advice of his ministers. He wanted that the position of this functionary should be made explicit by including appropriate provisions in the Constitution. At one time, the idea of giving the President an Instrument of Instructions was considered seriously. In fact, on January 1, 1949, Ambedkar called the attention of the Assembly to the draft of the Instrument which read thus: "In the choice of his Ministers and the exercise of his other functions under this Constitution, the President shall be generally guided by the instructions set out in Schedule IIIA, but the validity of anything done by the President shall not be called in question on the ground that it was done otherwise than in accordance with such instructions". The idea of "fettering" the President with such an Instrument was, however, dropped later on the ground that it was unnecessary since his role was strictly constitutional.

³¹ *India's Constitution in the Making* by B. N. Rau, Orient Longmans, 1960, p. 380.

³² *The President Under the Indian Constitution* by K. M. Munshi, Bharatiya Vidya Bhavan, 1963, p. 10.

Rajendra Prasad felt that such an argument was neither convincing nor conclusive. On November 26, 1949, he raised the issue in the Constituent Assembly and expressed the hope that, although there were no specific provisions in the Constitution, making it binding on the President to accept the advice of his ministers, conventions would be built up to ensure that he functioned exactly like the King of England. He pursued the subject within two months of his assumption of office as the President of the Union.

In a Note addressed to the Prime Minister on March 21, 1950, he called attention to the fact that there were many Articles in the Constitution which specifically required the President "to do something or other". Normally, the President was expected to function according to his ministers' advice, but there were certain situations when such a procedure could not possibly be observed. Circumstances might arise when he would have to act against the advice given, act without waiting for or seeking advice, and act when the minister refused to advise. He called attention to a number of constitutional provisions in support of his contention that the office of the President was *sui generis*. For instance, the President was not a member of Parliament but he was a "third part of the Legislature". No bill could be law without his assent. "In case of State legislation", he said, "if the party in power in the State is different from that in the Union Parliament, the Central Ministry may advise withholding assent and thus frustrate the State Legislature and Ministry. It is, therefore, necessary to clarify whether the President can exercise this function of giving assent to legislation independently, and if so, in what sort of Bills passed by Parliament and Bills passed by a State Legislature".³³

On September 15, 1951, the President wrote to the Prime Minister saying that Parliament, as it was then constituted, was not competent to undertake radical alterations in the Hindu Code. Apart from the fact that the proposed changes were likely to disrupt the Hindu society and promote ruinous litigation, the whole measure was "highly discriminatory". He claimed the right to

³³ *Pilgrimage to Freedom (1902-1950): Indian Constitutional Documents* by K. M. Munshi, Volume I, Bharatiya Vidya Bhavan, 1967, pp. 568-70.

examine the proposed legislation critically and to convey his viewpoint to Parliament. "If I find", he wrote, "that any action of mine at a later stage is likely to cause embarrassment to the Government, I may take such appropriate action as I may feel called upon to avoid such embarrassment consistently with the dictates of my conscience".³⁴ The Prime Minister replied the same day to the President's letter and declared that the stand taken by the latter "might involve a conflict between the President on the one side and the Government and Parliament on the other". Declaring that the President was not free to go against the will of Parliament, he asserted that the "whole conception of constitutional government" was against "any exercise by the President of any such authority".³⁵

Presumably, to strengthen his position, Nehru sent the President's two documents to M. C. Setalvad, Attorney-General of India, and Sir Alladi Krishnaswami Ayyar, a persevering and eloquent champion of parliamentary government of the Westminster variety, for their expert opinion. In two letters dated September 20 and October 8, 1951, Sir Alladi argued that the President of India was "in every respect in the position of a constitutional monarch in England or his representative in the Dominions, namely, the Governor-General and that there is no sphere of his functions in respect of which he can act without reference to the advice of his ministers". Article 74(1) of the Constitution reads: "There shall be a Council of Ministers with the Prime Minister at the head to aid and advise the President in the exercise of his functions". Sir Alladi construed this provision as being "all-pervasive in its character" and held that it would be constitutionally improper on the part of the President not to be guided by the advice of his ministers "in exercising any of the functions legally or technically vested in the President".³⁶

The Attorney-General was of the opinion that the President had no prerogatives "personal or otherwise". In this respect, his position was weaker than that of the British monarch. The seat of real power was the lower House. Though the Council of

³⁴ Ibid pp. 578-82.

³⁵ Ibid pp. 582-84.

³⁶ Ibid pp. 586-88 and 593-97.

Ministers were to aid and advise the President, they were collectively responsible to the House of the People (Lok Sabha). The executive authority of the Union was thus controlled by the Lower House through the Cabinet. These, according to him, were the key provisions of the Constitution. The words "aid and advise" in Article 74(1) were a polite formula "appropriate to the dignity and position of the constitutional head of the State in whose name the government of the country is carried on, requiring him to act in all matters in conformity with the views of the Ministers".³⁷

Rajendra Prasad, whose knowledge of the constitutional law was equally profound, was not convinced by these arguments. He was distressed to find that the affairs of the country were going from bad to worse. Corruption was on the increase, forcing him to warn that it would "prove a nail in the coffin of the Congress". The Prime Minister was not fulfilling his constitutional obligation of keeping the President informed about the working of the Government. Many important decisions taken by the Executive were not communicated to him in advance.³⁸ Perhaps, Rajendra Prasad would have accepted the experts' verdict about the constitutional position of the President as conclusive if the administration was being run on sound lines. It was impossible for him to remain a mute spectator of the national affairs going awry when the Constitution had so explicitly and so profusely endowed him with powers.

He, therefore, welcomed the opportunity of raising again the question of the President's powers when laying the foundation-stone of the Indian Law Institute on November 28, 1960. He recalled at length the constitutional provisions relating to those powers and suggested to his learned audience the need for investigating how far they went towards "making the functions and powers of the President identical with those of the Monarch of Great Britain". He wondered how it was appropriate to compare the Indian Constitution with that of Britain which, besides being unwritten, rested on conventions. "Our conditions and problems" he said, "are not on par with the British and it may not.

³⁷ Ibid pp. 588-93.

³⁸ *India from Curzon to Nehru and After* by Durga Das, Collins, 1969, p. 337.

be desirable to treat ourselves as strictly bound by the interpretations which have been given from time to time to expressions in England".³⁹

The Prime Minister was evidently annoyed at the pertinacity with which Rajendra Prasad raised the issue of the President's powers. His address to the Law Institute presumably proved to be the last straw. Nehru asked the Chief Justice not to circulate the speech and his wish was complied with. "Perhaps", writes K. M. Munshi, "both of them forgot that liberty of speech is a Fundamental Right; that to have restricted the publication of the speech was an illegitimate extension of the doctrine of 'aid and advice'".⁴⁰

As will be shown presently and later, the Constitution suffered many distortions during Nehru's Premiership. "The burdens of office", says M. C. Setalvad, "and of the working of the party machine had robbed him of a great deal of his early vigour and enthusiasm. Long years at the helm of the Government had, I felt, considerably affected his notions of the sense of justice and propriety".⁴¹ To these reasons must be added another, namely, an intense love of power which did not abate even when nearly all his physical and mental energies had been spent.

Nehru was a great man and his personality was a power. His popularity with his countrymen was phenomenal which probably strengthened his long-cherished belief that he was a man of destiny. His hold on the country during the first ten years of his Premiership was unique. He was convinced about the rightness of his policies and programmes and believed that under his leadership the country was poised to take a big leap forward and win its place among the Big Powers of the world. Speaking in the Lok Sabha on September 30, 1954, he said that, leaving the United States of America, the Soviet Union and China aside, the "obvious" fourth country in the world was India.⁴² No matter who the President of the ruling party was for the time being, Nehru remained its supreme and unchallenged leader till his end. His talismanic name ensured Congress victory at the polls.

³⁹ *Pilgrimage to Freedom* by K. M. Munshi, p. 597-600.

⁴⁰ *Ibid* p. 287.

⁴¹ *My Life, Law and Other Things* by M. C. Setalvad, p. 482.

⁴² *India's Foreign Policy Selected Speeches of Jawaharlal Nehru* (September 1946—April 1961) Publications Division, p. 305.

This was a gain of inestimable value to the members of the ruling party since it ensured to them long years of access to the sources of power and wealth. Under Nehru's leadership, even a lamp-post was believed to acquire the quality of invincibility at the polls. A Committee appointed to screen the applications for Congress tickets declared with disarming frankness! "Let us give Nehru 500 men he wants and five years—and leave the rest to him."⁴³ Mahatma Gandhi's earnest plea that only deserving men, irrespective of their party affiliations, should be sent to the legislature was, like most of his other suggestions, ignored. As will be shown in the next chapter, the foundation for corrupt election practices was well and truly laid even in the early years of the working of the Constitution.

Nehru's supremacy was not confined to his own party or to the hero-worshipping multitude. He exercised the same unchallenged influence over Parliament. He was an exemplary parliamentarian and observed such traditions as it had borrowed from its British counterpart with undeviating fidelity. He was listened to with attention and even deference, irrespective of the content or the quality of his speeches. He was the leader of the country and of the party in power. Many of those who sat on the Opposition benches were either his former comrades in the struggle for freedom or cherished deep admiration for him as a great patriot and friend of the people. They might not agree with his policies, but that was no bar to their esteeming him as an Olympian.

In any case, the parliamentary Opposition was a congeries of mutually-exclusive parties, which commanded a poor following in the legislature and could, therefore, do nothing effective to influence the Government's policies. Some of the Opposition leaders were stalwarts who attacked the Prime Minister with the vehemence of idol-smashers. Dr. Syama Prasad Mookerjee was one of them. His clashes with Nehru on the floor of the Lok Sabha were frequent. On one occasion, the Prime Minister flew into a mighty rage when Dr. Mookerjee accused the Congress of winning the elections by making a free use of money and wine and denounced its members for misusing Mahatma Gandhi's name.

⁴³ *India From Curzon to Nehru & After* by Durga Das, p. 308.

Dr. Ram Manohar Lohia, the Socialist leader, was even more forthright in his assaults on cant and humbug. He missed no opportunity of criticising Nehru whom he accused of spending Rs. 25,000 - a day on himself as Prime Minister "in maintaining a large retinue of assistants and bodyguards and a 'luxurious' standard of living".⁴⁴ Though he often lost his temper, Nehru took such attacks in his stride since the Opposition were too feeble to challenge his leadership of the Government.

His paramountcy in his cabinet was equally absolute. At first, he inducted into it a number of non-Congressmen of merit and distinction such as Dr. B. R. Ambedkar, Dr. Syama Prasad Mookerjee, Sir R. K. Shanmugam Chetty, Dr. John Matthai and Sir N. Gopalaswami Ayyangar, but the experiment did not last long. Many of them left for one reason or another, which eventually led to the Union executive acquiring the stamp of one-party dominance. Dr. C. D. Deshmukh, who had entered the Nehru cabinet in later years, found it necessary to give up his ministership in 1956 since a vital decision affecting the interests of his home State was taken without consulting him.

Nehru's personality was too overpowering for the Union cabinet to function on the principle of collective responsibility. A number of his colleagues have gone on record as saying that full and free discussion in the cabinet was not always possible. S. K. Patil compared Nehru to a great banyan tree and added "thousands shelter beneath it but nothing grows".⁴⁵ A foreign journalist, who knows this country well, writes: "The Cabinet system has never worked in India except in name, and in the 1950s Nehru rarely bothered even to pretend that the Cabinet was the centre of the system".⁴⁶ M. C. Chagla's personal relations with Nehru were cordial. He disagrees with the widely-held view that there was only one vote in the cabinet and that it belonged to the Prime Minister, but the very manner of his disagreement strengthens the feeling that there was no collective responsibility worth the name in the Nehru ministry. Chagla writes: "It is true that he was short-tempered. He sometimes resented criticism

⁴⁴ Ibid pp. 373.

⁴⁵ *Ambassador's Journal* by J. K. Galbraith, Hamish Hamilton, 1969, p. 175. The entry in the Journal is dated July 26, 1961.

⁴⁶ *India's China War* by Neville Maxwell, Jaico, 1971, p. 91.

and opposition, especially when he thought that the conclusion he had reached on a particular question was the only possible one, and there could be no argument. But, if his colleagues persisted and had the moral courage to stand up to him, he would quiten down, begin to listen to what was being said, and even change his point of view".⁴⁷

Chagla does not say how many of Nehru's hand-picked cabinet colleagues had the courage of their convictions and whether they were prepared to risk the Prime Minister's displeasure for any reason. The late P. H. (alias Raosaheb) Patwardhan called attention to the calibre of the persons whom Nehru took into his ministry. Most of them were inspired by no exalted ideals and were past the age of effective action. "Ministership", he wrote, "was a reward for past services during the freedom struggle or a compulsion owing to the need of giving representation to the various States and communities. There could not be a united Government policy in various departments". Himself a dynamic person and an implacable foe of sloth, slovenliness and the *status quo*, Nehru nevertheless "continued to have old and tottering men in his Cabinet. The average age in his Cabinet was probably 65!"⁴⁸

As Prime Minister Nehru held sway over the country for seventeen years. His achievements were impressive. His personality was a decisive factor in protecting the components of a truncated India from falling apart. His zeal for national progress was undoubted and his encouragement to modern industry proved crucial in preparing the country to meet external aggression. He has certainly found an abiding place in history, but his failures were equally gigantic. His incapacity for firm and purposeful action was matched only by his impatient idealism. While a foreign observer, who knew him well, has accused him of superficiality, two of his cabinet colleagues have doubted his calibre as an administrator.

"The superficiality", writes Walter Crocker, "had been made the worse by the intellectual arrogance which marked his first

⁴⁷ *Roses in December* by M. C. Chagla, p. 440.

⁴⁸ *Pandit Jawaharlal Nehru: The Ecstasy and the Agony* by P. H. Patwardhan (Jawaharlal Nehru Lecture Series, University of Poona, 1966), p. 65.

(and most powerful) decade as Prime Minister".⁴⁹ N. V. Gadgil, a plain-speaking politician and Nehru's comrade in the national struggle for freedom and his cabinet colleague, held that "from the day Nehru joined the Wavell Government, it became evident that he was incapable of firm decisions".⁵⁰ Rafi Ahmed Kidwai, another Central Minister and Nehru's intimate friend, expressed the view that "as an administrator Jawaharlal is a cypher".⁵¹

And yet so great was the country's dependence on him that even thinking persons often asked "What next after Nehru?" It was not realised that such anxiety for the future of the country was probably the most damaging verdict on the Constitution and on the eligibility of the Indian people to manage their national affairs on democratic principles. Although such unmanly questions ceased to be asked with the growing disillusionment about Nehru's stewardship of the country, the tendency to depend abjectly upon a single person continues. From 1973 India has entered in a big way upon a new phase of decay and self-destruction. Much of this distressing state of affairs is, as shall be shown in the later chapters, the outcome of the bankruptcy of statesmanship in the ruling party. And yet the leadership of Mrs. Indira Gandhi, the Prime Minister, is claimed to be indispensable to save the country! Speaking near Bombay on April 21, 1974, the Union Minister for Steel and Mines, K. D. Malaviya, believed to be a radical in his outlook, is reported to have said that there was no alternative to Mrs. Gandhi's leadership. In the light of the foregoing discussion, there should be little surprise that the structure of the Constitution has developed many cracks. The absence of a rational relationship between the Centre and the States lends further confirmation to this well-known fact.

(iii) *Centre-State Relations*

In India, the relations between the Centre and the States are based more on the political necessities of the ruling party than

⁴⁹ *Nehru: A Contemporary's Estimate* by Walter Crocker, George Allen and Unwin, 1966, p. 82.

⁵⁰ *Under the Shadow of the Red Fort* (in Marathi) by N. V. Gadgil, Chitrasala Press, 1964, p. 21; also *My Contemporaries* by the same author, p. 22.

⁵¹ *Rafi Ahmed Kidwai* by Ajit Prasad Jain, Asia, 1965, p. 130.

on any well-established principles. The existence of a constitution with ample provisions defining these relations does not alter this fact. The British policy of treating the provinces as the subordinates of the principal government is continued. The application of the federal principle to their association in which political power is divided between the central and regional governments so that, broadly speaking, each is independent of the other within its own sphere, is wholly unacceptable to the rulers in Delhi. They concede the need for the federal system but their attitudes and actions do not strengthen the belief that they are much interested in the States' autonomy even to the extent envisaged in the Constitution. This is the heavy price the States have to pay for submitting to a permanent one-party hegemony at the Centre.

Like democracy, the federal principle has remained exotic in this country. The British, who acquired continental sovereignty in India long after embarking upon their career of conquest, could not form administrative units on the basis of any of the well-known canons of territorial demarcation. In consequence, the eleven British Indian provinces were dissimilar to one another not only in size and resources but also in the stage of their social and economic evolution. In the provinces of Bombay and Madras, for example, a number of ethnic and linguistic groups were brought together under a common administration. In one sense, this was a welcome arrangement since it helped to foster a community of feeling among the diverse elements of the population. But a change was necessary because the administrative demarcation was irrational. For instance, the people speaking Kannada were dispersed among a number of governments, including those of princely States, so that they were in a minority almost everywhere despite the fact that they formed a sizeable section of the Indian population.

The existence of more than five hundred principalities of varying sizes and development and scattered all over the country made the task of founding the Indian government on the federal principle even more baffling. There were some princely States which were big, financially viable and administratively forward-looking, but the majority of them were notoriously backward and fully deserved to be called the country's social wastelands. Besides, in most of them autocracy was the basis of government

so that any association between the so-called "Indian India" and the British Indian provinces was bound to be, as Lord Meston put it, like mixing oil and water.

Even so, a unique system of federal government was sought to be set up under the Government of India Act, 1935. The federal principle was substantially modified in order to give primacy to the unitary elements in the form of the Centre's uninhibited intervention in the affairs of the provincial governments. With the princely States gone, such a system, which put the Governor-General in the position of the final authority, would, paradoxical as it may sound, have worked well in free India. In the pre-independence years, it was unacceptable to Indian opinion since it was used as a device to perpetuate foreign rule in the country. National freedom and the eventual absorption of the princely States into their neighbouring areas prepared the ground for regulating the relations between the Centre and the provinces on a more rational basis. Federation was undoubtedly the best form of association for them, but the constitution-makers did not think that the issue was that simple.

The fact that the word "federal" or "federation" does not figure anywhere in the Constitution is perhaps some indication of the allergy of its principal framers to the principle of the division of powers between the Centre and the States. It is, however, possible that the omission was not deliberate. No such words occur in the American Constitution also. Nonetheless, it has always been called the "Federal Constitution" and is widely regarded as the best example of the federal government. But in India the concept of regional autonomy has never been popular for various reasons.

The partition of the country on the most untenable grounds vastly strengthened the hands of the champions of the unitary system. The consequences of the partition were terrible. Strife, violence and hatred stalked the land, threatening to fulfil the grim forecasts of the prophets of doom. Did not men like Professor Reginald Coupland prophesy that after the partition, the remaining components of India would also fall apart? The Communist campaign in Telangana in Andhra Pradesh, involving large-scale subversion of internal security, was regarded as an indication of the shape of things to come. War and partition had caused considerable damage to the country's economy. The

need to repair and to develop it in order to give a new life to the submerged sections of the population called for central direction. It was, therefore, asserted that the Centre must be endowed with a plenitude of powers to ensure the attainment of the long-cherished national goals.

Powerful men were confirmed centralists. Sardar K. M. Panikkar, an eminent historian and administrator, was an eloquent advocate of the unitary system. In his Note on Some General Principles of the Union Constitution, May 1947, he made a closely-reasoned plea for a strong Centre. He characterised as "constitutional orthodoxy", the belief that the future Constitution of India should be based on a demarcation of powers between the Centre and the provinces. He maintained that the doctrine of the division of powers could be tenable only in times of peace and that it "invariably broke down" in periods of "national stresses".

Panikkar believed that federation was a "dead issue" in India. In fact, a federal policy was "dangerous to the strength, prosperity and welfare" of this country. He wrote: "Federation is a fair-weather constitution and in the circumstances of India it is likely to be a dangerous experiment leaving the national government with but limited powers, weak and consequently incapable of dealing with national problems". Federation, with limited powers to the Centre, was an "unavoidable evil" as it was intended to secure the Muslim League's co-operation in constitution-making, but since that party had made an irrevocable option for partition, there was no need to create a weak Centre. "I would, therefore," he said, "very strongly urge that the basic principle of the Constitution should be a unitary one, with large devolution of powers to the Provinces, and with suitable provisions for the States and other units so desiring to accede in a limited manner to the Centre".⁵²

Dr. Ambedkar told the Constituent Assembly on November 4, 1948 that the draft Constitution was based on a "dual polity". There would be the Union at the Centre and the States at the

⁵² *The Framing of India's Constitution* Select Documents: The Project Committee Chairman, B. Shiva Rao, Volume II, The Indian Institute of Public Administration, New Delhi, 1966, p. 534. The princely States had not been merged into the provinces when Panikkar wrote his Note.

“periphery”. He claimed that all federal systems, including that of America, were cast in a “tight mould” while the Indian polity would be based on both the federal and the unitary principle. He said: “In normal times, it is framed to work as a federal system. But in times of war it is so designed as to make it work as though it was a unitary system.....Such a power of converting itself into a unitary State no Federation possesses”. Later, in the same speech, he spoke of the inevitability of the Centre becoming strong under modern conditions. He recalled that in America, the Federal Government had become most powerful despite the fact that the Constitution had given it only limited powers. “The same conditions”, he observed, “are sure to operate on the Government of India and nothing that one can do will help to prevent it from being strong”.⁵³ There is little doubt that the leading participants in the discussions of the Constituent Assembly worked deliberately to make the Centre strong. The result is that the Constitution is essentially unitary with only minor federal features.

To illustrate, the stipulation under Articles 256 and 257 that the State Governments should without doubt or demur comply with the laws made by Parliament and subordinate their own authority to that of the Centre is a clear infraction of the States’ autonomy. The punishment for non-compliance with the Central directive is drastic and, from the point of view of the federal principle, Draconian. Under Article 365, the President is entitled to hold that “a situation has arisen in which the government of the State cannot be carried on in accordance with the provisions of this Constitution”. While the two Articles, conferring absolute jurisdiction on the Centre in the domestic concerns of the States, do not figure in the federal constitutions of Canada, America or Australia, the last named provision was strongly opposed in the Constituent Assembly. “The most objectionable feature”, say the authors of the Report of the Centre-State Relations Committee, “in regard to Articles 256 and 257 is that the only condition to be satisfied before the issue of such directions is the unilateral satisfaction of the Government of India”.⁵⁴

⁵³ Ibid, Volume IV, pp. 422-24, 433.

⁵⁴ *Report of the Centre-State Relations Inquiry Committee*, 1971,

Similarly, some of the emergency provisions constitute a grave derogation from the States' autonomy. For instance, under Article 356(1), the President of the Union is entitled to assume direct responsibility for the government of a State if he is satisfied that the popular ministry there is unable to function in accordance with the provisions of the Constitution. This is a highly controversial provision and has evoked much criticism. Commenting on it, K. Subba Rao says: "This provision is intended to preserve and protect democracy, but is capable of great abuse". He gives a number of instances in support of his statement and adds: "Unless the party that happens to be in power in the Centre develops conventions to shed its party affiliations in the matter of its relations with the States, the federal Government cannot effectively function in our country".⁵⁵

The distribution of powers between the Centre and the States in the legislative field has also come in for criticism. The powers granted to the Centre not only in the Union List but also in the Concurrent List, it is maintained, weight the scales heavily in its favour. It is well to remember that concurrent jurisdiction is found in all modern constitutions and its existence in the Indian Constitution cannot be construed as being incompatible with the federal principle. The framers of the Government of India Act, 1935, stated the case for it thus: "Experience has shown, both in India and elsewhere, that there are certain matters which cannot be allowed exclusively either to a Central or to a Provincial Legislature, and for which, though it is often desirable that provincial legislation should make provision, it is equally necessary that the Central Legislature should also have a legislative jurisdiction, to enable it in some cases to secure uniformity in the main principles of law throughout the country, in others to guide and encourage provincial effort, and in others again to provide remedies for mischiefs arising in the provincial sphere but extending or liable to extend beyond the boundaries of a single province".⁵⁶

The Rajamannar Committee considers that the distribution

better known as the Rajamannar Committee Report submitted to the Government of Tamil Nadu, p. 22.

⁵⁵ Ibid p. 137

⁵⁶ *Joint Committee on Indian Constitutional Reform, 1933-34*, para 51.

of powers between the principal government and the regional governments under the Seventh Schedule of the Constitution is unfair to the latter. The lists are largely drawn from the Government of India Act, 1935. The Committee complains that some of the items that had figured in the provincial list under the Act have been removed from there. It asks for a high-power commission to make a thorough scrutiny of the Union and Concurrent Lists with a view to a redistribution of the entries. It goes a step further and recommends that the residuary power of legislation and taxation conferred on the Centre under Article 248 and entry 97 of the Union List should be vested in the States.

The Committee is no less forthright in urging a radical change in the financial relations between the Centre and the States. Finance is undoubtedly the most essential pre-requisite of government. It is of the utmost importance that every State must have adequate financial resources of its own not only to fulfil its obligations to the community but also to safeguard its autonomy. In his book *The Federalist*, Hamilton says that it is as necessary that the state governments should be able to "command the means of supplying their wants, as that the national government should possess the like faculty in respect to the wants of the union."

The question of developing the national economy with the aid of a planning body was not discussed in the Constituent Assembly. The Planning Commission, which came into existence in 1949, is essentially the creation of Jawaharlal Nehru. At the height of his power, it virtually functioned as a super cabinet. Although to this day, its existence is without any constitutional or legislative sanction, it controls the entire policy and programme of national economic development. Central finances in the shape of grants and loans are made available to the States on its recommendation. This task should normally have devolved on the Finance Commission. It is constituted from time to time under Article 280 of the Constitution to review the financial relations between the Centre and the States and to recommend suitable adjustments in them. And yet it has been relegated to an inconspicuous position since obviously it cannot operate in the same field as the Planning Commission does.

Apart from the fact that the primacy that is given to a quasi-political body in the matter of national development is not in the fitness of things, the healthy principle of treating planning

M. C. R.—7.

as a co-operative undertaking by the Centre and the States has been reduced to a dead-letter. Since an expert and impartial body like the Finance Commission is denied jurisdiction over development and the finances needed for the purpose, it becomes extremely difficult to evolve just and objective criteria for giving financial assistance to the States. The Centre is often tempted to play the role of an almoner which is bound to cause much dissatisfaction among those who receive less. There is a feeling among the less developed States that the bigger brothers get away with more. As the Chief Minister of one such State put it, "What you are providing for is increasing inequalities. Plan by Plan".

The problem of ensuring an equitable division of resources among the States cannot, therefore, be solved through the agency of the Planning Commission as it is now constituted. There is considerable unreality about the Indian planning because the States, its beneficiaries, do not have a sense of participation. Their attitude towards this essential sphere of national development is one of indifference and lacks pragmatism. The growing impoverishment of the country is probably the most damaging indictment of the present system of planning. As far back as June 1970, the late Dr. D. R. Gadgil, who was Deputy Chairman of the Planning Commission, observed thus: "There is a lot of discussion about regional backwardness. Yet about this basic problem of Plan outlays in a federal polity, there is very little thinking".⁵⁷

He pointed out that there was every need for a better understanding and knowledge about the sharing of resources and the autonomy of the States. India is a vast country where ninety per cent of the interests of the ordinary man are dealt with in the State sphere. The States have a standing of their own and cannot be treated as if they are no better than local bodies. It is futile to expect planning to succeed if it is imposed on them. It follows that the Planning Commission should be thoroughly reformed and made less political in its outlook and behaviour. The States must be drawn closer to it and must be given a stake in ensuring the fulfilment of the plan targets. Apart from the fact that a highly centralised planning in a country of India's

⁵⁷ *Opinion*, March 1971.

size cannot yield the desired results, it reduces the working of the federal system to a chimera. To succeed, Indian planning must be solidly based on co-operative federalism. One, however, wonders whether such a reform is possible under the present dispensation.

From the very commencement of the Constitution, the scales were heavily weighted against it because Nehru's personality was no asset to it. As we saw earlier, he dominated every institution with which he became associated. For many years, the ministries in all the States were controlled by the Congress so that it presented no problem for him to have his own way in almost everything. His merest whisper reverberated like thunder in the State capitals. It is true that a Chief Minister like Dr. B. C. Roy of Bengal could not be easily intimidated but exceptions prove the rule. Even the colossus had to bend on occasions when public opinion was strong on emotional issues like the formation of linguistic states, but Nehru's Premiership was least conducive to the establishment of conventions concerning the Centre-State relations. Disputes between the Centre and the States and between the States *inter se* were settled, not through the available constitutional devices, but by having recourse to party discipline.

The result has been well stated by an expert body thus: "Constitutional provisions went into disuse and disputes were settled in the party rather than aired through open constitutional machinery. From the constitutional angle the situation was abnormal. As a result of by-passing normal constitutional processes a habit of settling issues through extra-constitutional means grew and sufficient experience and a proper climate for settling them through the regular process were not developed".⁵³

The advent of non-Congress ministries in a number of States after the general elections of 1967 changed the situation completely because the earlier strategy of harnessing the personality of the Prime Minister to the settlement of disputes between governments ceased to be effective. Nor were constitutional precedents available to meet the new situation. The strengthening of the Congress at the Centre and the return of its ministries in most

⁵³ *Report of the Study Team: Centre-State Relationships*, Volume 1, Administrative Reforms Commission, September 1967, pp. 1, 2.

parts of the country following its landslide victory in the 1971 and 1972 elections have revived the ruling party's old tendency of ignoring the Constitution in the settlement of governmental disputes.

Since the days of Nehru, non-Congress ministries have not been able to look forward to a stable tenure of office unless they are firmly entrenched in power by means of a disciplined party and unflagging popular support. Since the inauguration of the Constitution, there are any numbers of instances to show that the Centre considers no cost too high or any means too questionable to have such ministries deposed. Article 356 of the Constitution comes in handy for the purpose. President's rule under these provisions was first introduced in Punjab in 1951. The Centre's action was justified to meet the political situation resulting from the resignation of the ministry of Gopichand Bhargava.

Similar action two years later in the Punjab and East Punjab States Union (PEPSU) was criticised as a partisan move designed to serve party interests. In Kerala, the removal of the United Front Ministry, led by E. M. S. Namboodiripad, in July 1959 was a clear case of Central high-handedness and was widely condemned. The dismissed ministry enjoyed the confidence of the State legislature and yet it was not allowed to remain in office. No less a person than N. V. Gadgil, the then Governor of Punjab, felt outraged by New Delhi's arbitrariness. He resigned his office in order to win freedom to speak out his mind. A competent writer comments on this episode thus: "The local Congress in Kerala in association with the groups which had arrayed themselves against the government contributed to the serious law and order situation which had arisen in the State. If a government other than a communist had been in power in Kerala, the Centre might have acted differently, and if the State had a Congress Government, the Centre might have helped to put down the opposition".⁵⁹

In recent years, the Centre appears to be even more determined to use the big stick against the non-Congress ministries to pave the way for the advent of its own party to power. Two,

⁵⁹ *The Constitution of India and its Working* by B. K. Gokhale, A. R. Seth & Co., 1972, p. 278.

out of many such instances, may be given here. Uttar Pradesh has won the distinction of supplying to free India all the three Prime Ministers, but unfortunately its contribution in other directions is singularly inconspicuous. Its politics have almost invariably been unsteady and turbid. In the notorious split of July 1969 in the ruling party, C. B. Gupta happened to be in the camp opposed to the Prime Minister and her faction known as Congress (R). Since he was the Chief Minister of Mrs. Gandhi's home State at the time, the toppling of his ministry became an issue of prestige both for her and her Party.

Gupta, like many other Congressmen, needs no lessons in politics. Anticipating the shape of things to come, he adroitly flung the mantle of Chief Ministership on the shoulders of Charan Singh, leader of the Bharatiya Kranti Dal. The latter assumed the responsibilities of government on February 7, 1970 but soon discovered that he could not stay in power unless he took the representatives of Congress (R), the new political *herrenvolk*, into his ministry. More than two dozen of them accordingly trooped into the ministerial positions, not to impart stability and efficiency to the administration, but to lever out their "benefactor". Charan Singh thereupon requested the Governor, Dr. B. Gopala Reddy, to dismiss the unwanted Ministers. A wise Galileo, the Governor declined to do anything of the kind because Kamalapati Tripathi, New Delhi's favourite son, was waiting in the wings to be installed on the Chief Ministerial throne.

Dr. Reddy attracted a good deal of adverse criticism by refusing to comply with his Chief Minister's advice. Apart from the fact that nothing is more absurd than to talk of constitutional practice in a country like India where democracy is still-born, it is difficult to believe that the three contenders to the Chief Ministership and their followers were true believers in popular government. Frankly, they were all playing the game of power politics. Nevertheless, the Governor's refusal to dismiss the Congress (R) Ministers from Charan Singh's cabinet was condemned as an outrage on parliamentary democracy. The Advocate-General of the State is stated to have expressed the view that he was not aware of a single instance "in the constitutional history of the last one hundred years of any parliamentary democracy where the advice of a Chief Minister about the

dismissal of a Minister had been rejected".⁶⁰

The Governor adroitly turned the table on his Chief Minister by saying that it was he and not his recalcitrant colleagues who must resign! Charan Singh, who discovered that he had caught a tartar in Dr. Reddy, asked him why he should do so. On September 25, 1970 he had made a categorical statement that he was prepared to test his strength on the floor of the State Assembly. He claimed that his alliance with Congress (O) and the Jan Sangh gave him a majority in the House. According to him, 228 members in a House of 426 were behind him. "The question", declared a newspaper editorial, "whether a Chief Minister has lost the confidence of the House can be answered only on the floor of the House. What makes Dr. Gopala Reddy's attempt to justify his conduct in the Charan Singh case so puerile is that the Chief Minister was not only willing but anxious to face the Assembly".

The constitutional deadlock was broken at New Delhi. The Governor had obligingly recommended the imposition of President's rule in the State. Acting upon this suggestion, the Union Cabinet decided to dislodge the Charan Singh Ministry by having recourse to the most astonishing procedure. President Giri's signature to the Proclamation for bringing the State under the Centre's direct rule was necessary. He was then touring Russia and was in Kiev at the time. A special messenger was sent by air to that distant place to secure the President's signature. The President did what he was asked to do by his Ministry, despite the plea cabled to him by many influential persons not to become a party to such a patently partisan and unconstitutional move. The Proclamation was signed on October 2, 1970. Uttar Pradesh thus came under President's rule for the second time since the general elections of 1967.

The Centre's move in Orissa in March 1973 was no less open to criticism. Mrs. Nandini Satpathy, who led the Congress Ministry in that State, resigned since she felt that she could no longer carry the burden of that office. Thereupon the Governor, B. D. Jatti, recommended the issue of a Proclamation by the President for bringing the State's administration under the Centre's direct control. The President accepted the Governor's re-

⁶⁰ Ibid p. 267.68,

commendation and acted accordingly. The Pragati Legislature Party of Orissa, led by Biju Patnaik, had earlier declared that it was in a position to form an alternative ministry. Patnaik had asserted that his party commanded a majority of two in the 140-member legislature. The Governor did not, however, accept his contention and told the Centre that since Patnaik's organisation was a coalition of different parties, any government formed by him would not be stable.

Whether Jatti was right or wrong in his assessment of the political situation in the State at that time is irrelevant to the consideration whether anything would have been lost if Patnaik had been given an opportunity to test his strength on the floor of the House. The denial of such an opportunity to the non-Congress parties in Uttar Pradesh in 1970 and in Orissa in 1973 has exposed the Centre to the well-deserved criticism that it is least mindful of constitutional propriety when its own interests are involved. The action of the Governor and the President was strongly condemned both in Parliament and outside. The General Secretary of the Jan Sangh, who was also a Member of Parliament, said on March 4, 1973 that "the manner in which constitutional provisions were flouted by negating the democratic process in Orissa, shows how the ruling party has once again proved that the offices of the Governor and the President are reduced to a farce".

Even more disturbing is the tendency on the part of the members of the ruling party to uphold the Fuhrer doctrine and to attribute the quality of infallibility to the Prime Minister. Since the 1971 and 1972 elections, she is being virtually treated as a transfigured person. A number of Congress Chief Ministers owe their positions to the Prime Minister and can remain in that office only during her pleasure unless they are driven out through public pressure, as in Gujarat. Many issues arise out of this kind of Central interference in the concerns of the States. First, the refusal to make a distinction between party and government is ruinous to the cause of democracy. The Congress cannot claim that India is its kitchen-garden merely because it is put into power through the support of an overwhelmingly illiterate and indigent electorate, with no will or mind of its own. Besides, as pointed out earlier, its electoral victory has invariably been on the basis of minority votes.

Secondly, however dependent the States may be on the Centre, they are endowed with all the appurtenances of a distinctive entity. They have their own popularly-elected legislatures. It is the responsibility of these bodies to decide which political party should govern their States. The manner in which ministries are made and unmade and Chief Ministers are appointed and unseated through the machiavellism of a distant authority has not only perverted the constitutional principles but has also brought the governments of the States concerned into contempt. Nobody can have respect for puppets. It is small wonder that persons who owe their positions to the favour of the Prime Minister command little real respect anywhere.

The part played by the President and the Governors during the constitutional crisis in Uttar Pradesh and Orissa discussed above, was widely criticised. Suggestions were made for the impeachment of the President and for the dismissal of the Governors concerned. If, as is widely maintained, these functionaries are no better than dignified ciphers, it is inconceivable how they can be penalised for the actions they are required to do. The principle "aid and advice" is so dogmatically interpreted that the President and the Governors have no choice but to abide by it.

When the decision not to give the Instrument of Instructions to these functionaries was taken, H. V. Kamath pointedly asked Dr. Ambedkar in the Constituent Assembly whether the President would be liable to impeachment if he did not act upon the advice of his Ministers. The reply was categorically in the affirmative. Ambedkar was supported by Sir Alladi Krishnaswami Ayyar who held that "a President who did not heed the advice of his ministers would in fact be thwarting the will of Parliament for which he could be impeached". Such academic conclusions are inevitable so long as the provisions of the Constitution continue to be scanned with British glasses. Nobody is justified in asking for the indictment of these functionaries till the belief that they are mere figureheads is not given up. A realistic view of the Indian situation should prompt all right-thinking persons to see in the President and the Governors the true saviours of both the Constitution and the country.

It is clear from this review that the Centre-State relations are not normal. Perhaps, they would have created a major problem by now if the Congress had not entrenched itself firmly at

the Centre and in most parts of the country. Even the Congress-controlled State ministries are not happy about the absolutism of the Centre. The late Dr. B. C. Roy, Chief Minister of West Bengal, stood his ground firmly against New Delhi in demanding a great degree of autonomy for his State. He urged that the States should not be tied to the Centre's apron-strings, especially in the matter of finance, and wanted the Finance Commission, and not the Planning Commission, to function as the real agency for recommending the allocation of funds to the States. He was satisfied that the constitutional provisions were adequate to enable the States to function independently of the Centre in a reasonably wide area of government. This point of view was not shared by the United Front Ministry which came into power in Bengal after the defeat of the Congress in the 1967 elections. Consisting of radical elements, the Front demanded a virtual abrogation of the Constitution in order to secure for the States a great measure of freedom from the Centre.

The Dravida Munnetra Kazhagam, which has retained its power in the Tamil Nadu since 1967, is perhaps the most persevering crusader for the States' autonomy. It was the Tamil Nadu Government which appointed the Rajamannar Committee to study the Centre-State relations and to make recommendations for improving them. The Committee's Report is a well-argued document, but its plea for a radical abridgement of the Central authority, including the vesting of residuary powers in the States, cannot, in the peculiar circumstances of India, be upheld.

The Chief Minister of Tamil Nadu, M. Karunanidhi, has strengthened his hands by winning the endorsement of the State legislature on April 20, 1974 to his Government's views on State autonomy. Many of his grievances against the Centre are well-founded. New Delhi's ill-considered policies have often recoiled on the States. For instance, since 1960 the Centre has increased the emoluments of its employees more than a dozen times which has forced the State Governments to be equally generous to their own servants at a grievous cost to their finances.

Again, the tendency on the part of the Centre to present a *fait accompli* to the States even on vital issues cannot conduce to the promotion of harmonious relations between them. Referring to the railwaymen's strike of May 1974, the Chief Minister of Tamil Nadu questioned the propriety of the Centre's instruc-

tions to the States on how the situation should be met without its caring to consult them beforehand on how it could be averted. He complained that his telegram to the Prime Minister, suggesting her personal intervention in the dispute, was not even acknowledged. "I am after all", he told his audience at a public meeting, "a Chief Minister of a State and I need not be consulted in a problem like the railway strike". He further said: "It is an irony that the Prime Minister who used to phone me up several times before 1971 did not even acknowledge my telegram".

The Indo-Sri Lanka Agreement of June 28, 1974, concerning the future of the islet of Kachativu, added to the misunderstanding between the DMK Government and the Centre. Perhaps, the Union Government had good reasons for renouncing India's sovereignty over the islet, but, since Tamil Nadu was deeply interested in the issue, nothing would have been lost if its leaders had been called into consultation before reaching a final decision. Prior to the signing of the Agreement, the Chief Minister of the State had written to the Prime Minister calling her attention to the fact that not long before the islet was claimed as the property of the Raja of Ramnad. As on the previous occasion, Mrs. Gandhi did not consider it necessary to send the Chief Minister a reply. The Kachativu episode further strengthens the feeling that federalism can have no future in this country so long as the Congress is in power at the Centre and in most of the States.

The Congress is, however, not the only party that is opposed to any radical decentralisation of the Union Government's authority. For instance, the Administrative Reforms Commission recognises the need for an adjustment in the Centre-State relations, but insists that it must be accomplished without causing any serious upset in the existing balance of power between the Centre and its constituents. M. C. Setalvad, who presided over the Study Team on Centre-State Relations, was of the opinion that any change in procedures and attitudes that gave more resources to the States and conduced to the enhancement of their initiative and drive would be most welcome. But all this must be secured within the framework of the Constitution. He was opposed to any constitutional changes designed to weaken the Central authority. He said that the creation of linguistic States had fed the forces of separatism and strengthened parochial loyalties. "Any

weakening of the Centre's powers", he pointed out, "in reference to the States would forebode disaster".⁶¹

The need for a strong Centre was also urged at a high-level symposium held in September 1968 following the controversy between the Centre and Kerala on the implementation of the Essential Services Maintenance Ordinance. The participants in the discussion, arranged by All India Radio, were M. C. Setalvad, S. R. Das, former Chief Justice of India, and R. S. Gai, Law Secretary. The jurists held that it was incumbent upon the State Governments to comply with the Central directives issued under Articles 256 and 257 of the Constitution. They were also of the opinion that the Union Government was well within its rights to send the Central Reserve Police to any State under certain circumstances.

The subject of Centre-State relations is a controversial one and conflicting opinions about it are bound to exist. Political institutions are the work of men and changes in the Constitution cannot be ruled out so long as its basic structure is not affected. The root of the trouble, however, lies in a single party holding the country in fee with no prospect of its being eased out of power in the foreseeable future. The task of statesmanship, therefore, lies not in securing an amendment of the Constitution or its abrogation, but in creating conditions whereby a stable alternative government is formed to take the place of the present ruling party. Whether such a development is possible will be discussed in the next chapter. Meanwhile, how the language problem affects the growth of national unity will be examined in the following section as part of the review of the Constitution.

(iv) *Language*

Twenty-five years ago, the people of India "gave" themselves a Constitution and along with it an official language called Hindi. As we saw earlier, most of the essential provisions of the Constitution have gone awry. The fate of Hindi has been no better. It is still not acceptable to large sections of the population as the language of administration, much less as the coun-

⁶¹ *My Life, Law and Other Things* by M. C. Setalvad, p. 596.

try's *lingua franca*. This is not surprising to discerning persons. India is a multilingual country and as many as fourteen languages, including Hindi, find a place in the Eighth Schedule of the Constitution. Nobody can say that any one of these languages is superior to another in the sense that it is more adaptable to modern needs than others. During the British period, which synchronised with the great scientific and technological development in Europe, all the Indian languages suffered stagnation. The efforts that are being made by many of them since national independence to overcome the backlog in their evolution are undoubtedly commendable but not sufficient. They have still to take many forward steps before they can become effective instruments of modern thought.

The architects of the Constitution, who from first to last chose to ride on the crest of emotion and sentiment, decided that Hindi should be India's official language and accordingly included it in the document. Very few from the non-Hindi areas were enthusiastic about it, but they were overborne in the Constituent Assembly, although some of them minced no words when warning about the dangerous implications of the move. The champions of Hindi spoke about Mahatma Gandhi's approval of that language as if it had the finality of a divine decree. They were further emboldened by the support of the formidable duumvirate, Pandit Nehru and Sardar Patel. But such tactical moves provided no satisfactory or lasting solution to this thorny problem.

The debates in the Constituent Assembly left no fair-minded person in doubt about the intensity of the feeling against Hindi. N. Gopalaswami Ayyangar's endorsement of the Constituent Assembly's decision in favour of that language was cautious. Speaking in the House on September 12, 1949, he said that the adoption of Hindi "as the language for all official purposes of the Union" was an "ultimate objective". He had no doubt that any hasty elimination of English would be disastrous. Besides, Hindi required "a lot of enrichment in several directions". Perhaps, the doctrine of the inevitability of gradualness, which Ayyangar so ably and persuasively advocated, would have won wider acceptance by the non-Hindi sections if the advocates of Hindi had been more circumspect in championing it. Their extreme methods largely account for the continuing deadlock on the language question.

T. T. Krishnamachari, an influential member from the South who rose to high positions at the Centre in later years, made no bones about declaring that among the various forms of imperialism language was one. Directing his attack against the Hindi bigots, he said that language was "one of the most powerful methods of propagating the imperialistic idea".

The speech of T. A. Ramalingam Chettiar in the Constituent Assembly on September 13, 1949 was perhaps the most outspoken one on the subject. He declared categorically that the language question meant "life and death for the South". They, from the South, had languages which were "better cultivated" and had "greater literature" than Hindi. "You cannot", he declared emphatically, "use the word 'national language' because Hindi is no more national to us than English or any other language". He pointed out that, among its other limitations, Hindi was not spoken by the majority of the population. It was no better than any other Indian language. He expressed great pride in his own mother tongue, Tamil.

Chettiar went many steps further in warning against any precipitate action in favour of Hindi. "I may say", he said, "that the South is feeling frustrated. If there is the feeling of having obtained liberty, freedom and all that, there is very little of it felt in the South. Sir, coming here to the capital in the northern-most part of the country, and feeling ourselves as strangers in this land, we do not feel that we are a nation to whom the whole thing belongs, and that the whole country is ours". He complained that New Delhi's distance from the South as India's capital did not stimulate the feeling of oneness among the South Indians in relation to the rest of the country's population. "Unless you weld the nation", he observed, "and you make everybody feel that they have got a share in the country and it is their country, unless you do that, if you go on keeping the spirit of domination of one part over the other, I am sure the result is not going to be for the progress or for the safety of the country".

Dr. P. Subbarayan, another South Indian stalwart, told the Constituent Assembly on the same day that for "three whole months" he was awakened every morning by the cry "Let Hindi die and let Tamil live Let Subbarayan die and Rajagopalachari die". He pointed out that no action by the provincial

Government could silence such disconcerting slogans.

The South was, however, not the only region that ranged itself against Hindi. Satis Chandra Samanta from West Bengal asked the Constituent Assembly to take into account the excellence of his own language, Bengali, and its eligibility to be accepted as the country's official language. He conceded that Hindi was understood by more people, but added that "intelligibility" was not the only criterion. Dr. Syama Prasad Mookerjee exposed the untenability of the move in favour of Hindi in these telling words: "If it is claimed by any one that by passing an article in the Constitution of India, one language is going to be accepted by all, by a process of coercion, I say, Sir, that that will not be possible to achieve".

Frank Anthony, who spoke on behalf of the Anglo-Indian community, told the Constituent Assembly that it would be most imprudent to give up English which was "one of the few good things" the British had given to this country. Sardar Hukam Singh gave notice to the House that he had decided to withdraw his earlier support to Hindi after witnessing the "fanaticism and intolerance" of its champions. There was refreshing candour in Maulana Abul Kalam Azad's appreciation of the situation. He recalled that on the issue of language, the country was faced with two obstacles. First, there was no "national language as such which can immediately take the place of English". Secondly none of the Indian languages could claim the position of English for the purpose of administration and for higher education. The admission was humiliating—he called it "heartburning"—but there was no escape from it.⁶²

Nehru's position in the language controversy was unenviable. Since he derived his political strength from the Hindi areas, it was impossible for him to state openly the inadequacies of that language. At the same time, he could not risk his popularity as a national leader by championing a cause that was considered unjust in the rest of the country. He had, therefore, to do a good deal of tight-rope walking. "We cannot go far", he told the Constituent Assembly on September 13, 1949, "or take our people by the million in a foreign language". Many years before making this statement, he had categorically rejected the claim of

⁶² *Constituent Assembly Debates*, Volume VII, pp. 234, 1373-1453.

English to be retained as the language of administration by asserting that the "whole genius of this language is alien to our people". The "only possible" all-India language was Hindustani which could be learnt more easily than a foreign language.⁶³

He knew that such reasoning could not make Hindi acceptable to the non-Hindi areas. He had to be cautious lest the larger issue of the country's unity should be jeopardised over the language question. Provision was accordingly made in the Constitution for the retention of English as the official language for a period of fifteen years from 1950. The opponents of Hindi were further assured that even that dateline would not be strictly adhered to. Any time-limit in such matters is impracticable, for it is impossible to help a language to overcome the trammels of retarded growth within a prescribed period. Only when its words come home to men's business and bosoms, to use the felicitous words of Bacon, can a language expect to grow. Hindi could not hope to acquire such resilience and become "a throbbing, vital thing, ever-changing and ever-growing" within a couple of decades.

The strength of the opposition to Hindi became clear well before the fifteen-year time-limit given to English drew near. The South threatened violent disturbances on the occasion of the proposed visit of the President of the Union to Madras if the unwanted language was sought to be forced upon it. Nehru, therefore, felt compelled to reassure the non-Hindi-speaking population that nothing of the kind would be done and that the *status quo* would be allowed to prevail as long as it was desired. The Official Languages Act, 1963, was accordingly enacted providing for retaining English even after January 26, 1965.

The main objection to the introduction of Hindi was that it would put the non-Hindi people at a great disadvantage in the field of education, in the public service and in the professions. To remove this handicap the Union Ministry of Education evolved a "three-language formula" which provided for knowing three languages, namely, the mother tongue, Hindi and English. The Hindi-speaking people were required to learn English and any one of the Indian languages, preferably a South Indian language.

⁶³ *Ibid* p. 1410. *The Unity of India* (Collected Works of Jawaharlal Nehru from 1937-40), p. 244.

The formula deserved to be given a fair trial but it was not. It was accepted by the State Governments with many reservations. "The struggle", says an expert body, "between sentiment and realism has not yet been resolved".⁶⁴ In December 1967, a Member of Parliament set fire to a copy of the Official Languages (Amendment) Bill in the Lok Sabha in the belief that such rash action would strengthen the cause of Hindi. About the same time, another Member of Parliament, widely respected for his patriotism and spirit of service to his motherland, made an unedifying display of linguistic jingoism by publicly renouncing an award from the Government. Such exhibitions of irresponsibility, besides further complicating the language problem, put a premium on indiscipline and lawlessness in the country.

The vacillation of the Union Government has played no small part in complicating the issue. Most needlessly, the "three-language formula" was reviewed in 1967. In the last month of that year, a new legislation called the Official Languages (Amendment) Act, together with a resolution on the new language policy, was passed by Parliament. According to the revised policy, candidates seeking admission to the Union Service should have a knowledge of English or Hindi. This meant that the Hindi candidates need not know English at all while others were to be proficient either in Hindi or English, neither of which was their mother tongue.

One of the pleas for the retention of English was to ensure that the Hindi candidates did not gain an advantage over others in the matter of admission to the public service by securing the concession of answering their papers in their mother tongue. The discrimination in their favour became even more galling to others when the suggestion that they should compulsorily acquire knowledge of a South Indian language was not considered favourably. The Hindi States were also dissatisfied because their demand for outlawing English from the Central administration was not fully met. Their resentment manifested itself in the national legislature in the manner indicated above.

No special pleading is necessary on the need for a national language. It sustains the pride of the people, promotes their

⁶⁴ *Report of the Committee on Emotional Integration*, Ministry of Education, Government of India, 1962, p. 53.

unity, makes the conduct of public business simpler and quicker, and stimulates the many-sided growth of their national literature. But unfortunately Hindi cannot play this great role. It does not redound to the self-respect of any right-thinking Indian to champion the cause of English which, despite all its excellent qualities, must essentially remain alien to the Indian people. Even so, it cannot be dispensed with lightly or prematurely, for its value to India in the past and the present is inestimable. English, as has been so well said, "is one of the richest and most widely spoken languages of the world, in which our political, parliamentary, judicial and educational institutions are deeply rooted".⁶⁵ The country's lasting interests demand that its unity should not be endangered on the issue of the official language.

Lack of prudence on this question is largely responsible for the estrangement between Tamil Nadu and the protagonists of Hindi. There was a time when that State was an enthusiastic supporter of Hindi. At first, C. Rajagopalachari played no small part in popularising it in the South, but impatient idealism and intolerance in the North have transformed amity and understanding into uncompromising antagonism. A party like Dravida Munnetra Kazhagam, which derives its strength from preaching and practising regional chauvinism, has taken full advantage of the new development. The Centre's misuse of its constitutional powers, to which reference has been made earlier, has further exacerbated the relations between it and that State. The dissatisfaction in Tamil Nadu existed even before the Congress was replaced by the D.M.K. as the ruling party, although it did not manifest itself in the extreme demand for secession or for a large measure of autonomy.

Such open or latent hostility between the principal government and a constituent unit of the country is in the interests of none. It is impossible for India to do without an official language, no matter how insuperable the obstacles in the way of attaining it are. While it is incumbent upon the North not to force the pace, the rest of the country, including Tamil Nadu, cannot in fairness demand the postponement of this reform till the end of time. Discerning men in that State do not subscribe to the extreme stand of the D.M.K. Government on this issue.

⁶⁵ *Constitutional Law of India* by H. M. Seervai, p. 974.

A former Deputy Speaker of the Tamil Nadu Legislative Assembly told the House on March 12, 1974 that the State Government's language policy was causing great harm to the Tamilians. Its refusal to teach Hindi in the schools was a great handicap to those aspiring to join the Central services. He said that thousands of young men in the State were "furious" because they had become the victims of the anti-Hindi policy of the D.M.K. Government.⁶⁶

The concept of India as the motherland of all that inhabit it is like a tender plant and has got to be nursed with much care. Neither the behaviour of the Centre in treating its constituent units as its subordinates nor the attitude of defiance adopted by a State like Tamil Nadu is the right way of strengthening the forces of nationalism in the country. Though acclaimed as the repository of India's hopes and aspirations and as the foundation of her democracy, the Constitution has proved most disappointing. It has lent itself to be exploited by the ruling party whose only concern is to perpetuate itself in power.

⁶⁶ *The Hindu*, March 13, 1974.

4. THE ELECTIONS

THE real criterion of a democratic government is that it should rest on the consent of the people. Such consent is given through elections which must be both fair and free. In addition, the voter must have a clear understanding of the value of the franchise and its capacity to promote any change without coercion or violence. The elections must also provide for an orderly succession in government by a peaceful transfer of authority to new rulers when the choice of the voters falls on them. In fact, the elections constitute the best political contrivance for ensuring the preservation of democratic polity.

Notwithstanding the optimism of the constitution-makers, adult suffrage has not proved successful in this country. Apart from its great size, India is the land of considerable diversity, the tendency of whose people is to divide and not to unite. Caste and credal distinctions and linguistic and regional bias play a decisive part in pulling them apart. Long years of dependence on a foreign power, whose refusal to train them in the art of democratic government claimed the magnitude of an inflexible imperial policy, has denied them the inestimable boon of political education. In addition, the bulk of the Indian population suffers from the oppressive burden of poverty which is probably the greatest deterrent to the freedom of action. Mass illiteracy further depreciates the value of the vote so that a people who cannot think and act for themselves become an easy prey to the unscrupulous manipulators of the franchise. This is precisely what is happening in India today.

There has always been a school in India which has doubted the validity of the principle "one man, one vote, one value" in its application to Indian conditions. As far back as the nineteen thirties, some of the delegates to the Indian Round Table Conference in London called into question the wisdom of granting the privilege of universal franchise to this country. Fazl-ul-Huq, who later became the Premier of undivided Bengal, conceded that illiteracy was not a great handicap, but he called attention to the economic helplessness of the rural population in his province

and to its inability to exercise its franchise fearlessly and without any sense of obligation. Sir P. C. Mitter expressed similar views and said: "Steeped in poverty and in ignorance, as the bulk of our rural voters are (whoever may be responsible for it in the past is the reality today) you cannot expect them to exercise the franchise intelligently".¹ Other leaders like N. M. Joshi and Dr. Ambedkar who also spoke at the Conference on the subject, however, expressed themselves strongly in favour of granting adult suffrage to the Indian people.

The Lothian Committee, whose report determined the electoral provisions of the Government of India Act, 1935, favoured a cautious expansion of the franchise so that the number of voters under the new dispensation was barely thirty million. The Indian Constituent Assembly exhibited a division of opinion on this issue, although the majority of its members opted for enfranchising the entire adult population. The widely-respected Liberal leader, Pandit Hriday Nath Kunzru, eloquently pleaded in the Assembly for applying the doctrine of gradualness in the matter of expanding the franchise. He urged that serious thought should be given to the question whether a sudden enfranchisement of the masses would be helpful to the "development of democratic ideas and that sense of discrimination and restraint on which the successful exercise of democracy depends"

He believed that barely 18 per cent of the population in the provinces had been given the right to vote while that belonging to the former princely States had none at all. "It seems to me, therefore," he said, "that to go at one bound from a greatly restricted to universal franchise is not the part of wisdom". He thought that to begin with only forty to fifty per cent of the population ought to have been enfranchised with the provision for drawing the entire adult population into the electoral system within a period of fifteen years. If such a procedure had been adopted, there would have been less scope for demagoguery and greater opportunities for the political parties and individual candidates to approach the voters and to educate them on the value of the franchise. Since the Constitution did not provide for such a development, Pandit Kunzru feared that the education of the

¹ *Indian Round Table Conference Proceedings of Sub Committee No. VI (Franchise)*, pp. 11, 13.

electors would be "needlessly a difficult task".

Frank Anthony, the sagacious leader of the Anglo-Indian community, also called on the Constituent Assembly to give serious thought to the consequences of providing for adult franchise in the prevailing condition of the masses. "We have borrowed," he said, "enough from idealism to make the Constitution a fairly attractive and aspiring document.... We have traversed all the processes of the democratic manufactory.... the controversy was so fierce that we might reach the stage of what the Romans called *Argumentum Ad Baculum*, that is, settling it by actual physical force". He deprecated the tendency to talk loosely about democracy and warned that it did not connote a mere counting of heads. He said that the Indian masses were still in no position to analyse the political issues rationally so that a premature conferment of the right to vote on them would "not only lead to chaos but to the very destruction of the democracy which we have chosen to give them".

Such plea for caution, however, fell on deaf ears. With his characteristic erudition and eloquence, Sir Alladi Krishnaswami Ayyar defended the constitutional provision for enfranchising the entire adult population. He said that the Constituent Assembly chose to adopt this system despite its awareness of the "ignorance and illiteracy of the large mass of the Indian people". It had done so with "an abundant faith in the common man" and in the hope of the "ultimate success of democratic rule". The Assembly had taken that momentous step in the "full belief" that adult suffrage would "bring enlightenment and promote the well-being, the standard of life, the comfort and decent living of the common man". He argued that a barely literate person was in no better position than a labourer, a cultivator or a tenant to exercise his franchise with greater understanding. He observed with remarkable optimism: "Possibly a large-scale universal suffrage may also have the effect of rooting out corruption what may turn out incidental to democratic elections".² Perhaps it was the goodness of Sir Alladi which prompted him to make such generous observations, but they were wholly unrelated to the realities of the Indian situation.

² *Constituent Assembly Debates*, Volume XI, 14th November 1949 to 26th November 1949, pp. 785, 786, 835, 939.

The electoral system in Britain, a country whose mode of government provided a model for the Indian constitution-makers, is the product of centuries of evolution based on the infallible method of trial and error. Although the party system in that country can be traced to the days of Charles II, who ruled from 1660-85, the modern era of the ballot box may be said to date from the last three decades of the nineteenth century. Till then, the British Parliament was no better than a corporation of the powerful barons of the realm. Until the Reform Act of 1832, the traditional system of elections abounded in iniquities and abnormal situations. Certain districts secured excessive representation in Parliament even though many of them had lost their original importance while thriving cities in the north of England were left high and dry with no representation at all in the national legislature. By no stretch of imagination could the representatives of the rotten boroughs legitimately claim to speak on behalf of the people.

The enactment of the Secret Ballot Act in 1872, the Corrupt Practices Act in 1883 and the extension of the franchise by the statutes of 1867 and 1884 swept away most of the old corruptions which had reduced the elections to a mockery. Polling in the unreformed days was an occasion for much brawling and merry-making. "Rivers of beer", says an authority, "were set flowing; bribes were openly offered and accepted; organised bands of 'bludgeon-men' went about intimidating and coercing electors; non-voters thrust themselves joyously into the fray; political convictions were expressed in terms of rotten apples and dead cats; heads were broken and a generally riotous time was had by all".³

Since 1885, England has adopted secret balloting under a system of single-member constituencies. The year also marked the introduction of the system of plurality which means that the candidate who gets the largest number of votes, though not necessarily an absolute majority, wins the seat. British women had to wage a bitter struggle before they could be enfranchised. They took a big step towards their political emancipation with the passing of the Representation of the People Act, 1918. Part of

³ *Constitutional Government and Democracy* by Carl J. Friedrich, Oxford & I B H Publishing Co., 1966, quoted on p. 276.

their disability, however, still remained because women over thirty years of age alone could vote. This anomaly was removed in the following decade so that the 1929 election may be regarded as the first in Britain which came close to the chief desideratum of democracy, namely, universal adult franchise. It was, however, not till 1948 that the principle of "one man (or woman), one vote, one value" achieved its true validity. The statute of that year abolished the university seats and the business vote.⁴

The evolution of the electoral system in Britain thus constitutes an integral part of the constitutional history of that country. The principle of adult franchise was conceded only after a long period of agitation. And yet not all its constitutional experts are enthusiastic supporters of the system of mass suffrage. Walter Bagehot was not a reactionary but a man of keen political perception. He declared that the supremacy of the "lower classes" meant the "supremacy of ignorance over instruction and of numbers over knowledge".⁵

In our own time, C. K. Allen has presented a powerful set of arguments to prove the limitations of adult franchise. He points out that the "literal" equality of men in mind, body and attainments is so manifestly impossible that it cannot be accepted as the foundation of democratic faith. He has a profound distrust of the man in the mass because such a person may easily become a creature of passion and not of reason. He concedes that the tendency of all modern democracy is universal suffrage. He, however, holds that under such a system "the technique is nearly always the same—to scale down the appeal to the lowest intelligence, to substitute slogan and catchword for reasoning, and to obscure the true issues under any side-winds of irrelevancies which are likely to catch emotion and prejudice rather than reason". He asks whether the vote has had that educational effect and has given that stimulus to civic duty which Mill had hoped for it.⁶ Other political thinkers such as Ostrogorski, Sybel and Tocqueville have categorically warned against an indiscriminate expansion of the franchise.

⁴ *The English Voter* by A. J. Allen, The English Universities Press, 1964, pp. 3, 9, 10.

⁵ *The English Constitution* by Walter Bagehot, p. 23.

⁶ *Democracy and the Individual* by C. K. Allen, Oxford, 1943, pp. 11, 20, 21, 25, 28.

Despite its obvious limitations, adult franchise has come to stay. In Britain, the extension of the suffrage was accompanied by an intensive education of the common man on the value and significance of the vote. In fact, democracy implies an educated electorate. When the urban working-class was given the right to vote in 1867, a leading Liberal politician, Robert Lowe, declared "We must educate our masters". Britain is a relatively small country with a homogeneous population. Apart from their long political history, the British people have complete adult literacy with a high standard of living. This enables the popular press there to secure a phenomenal circulation of the newspapers. There are certainly different schools of opinion in Britain and class differences are discussed with much heat and pertinacity. But they have at no time threatened to disrupt the parliamentary system because the chief political parties are sworn to uphold it. The agreement on fundamentals between the leading political parties is today "very nearly as great as it has ever been in the modern history of British politics".⁷ Since parliamentary government is in reality "government by talk", the deliberations in Parliament have the great value of instructing the people on many matters having a vital bearing on their lives.

It is small wonder, therefore, that the British people are politically wide awake. They are, as Sir Ivor Jennings says, not only free but "truculently free". If they are dissatisfied with their Government, they say so freely and allow their discontent to grow like a snowball. In the words of Sir Ivor, the discontent "passes around the pub and the club, the canteen and the office, the train and the tram, and ends up in the ballot box".⁸ The elections in Britain are, therefore, fair and free. In fact, as the late Lord Morrison observed, the British sense of fair-play is never more strongly in evidence than in an election.

I have felt called upon to review the growth of the British electoral system to underline the fact that democracy is reduced to a farce if the elections are not free from the irregularities with which we are becoming increasingly familiar in this country. All the old corruptions, which flourished in Britain before the

⁷ *British Political Parties* by R. T. McKenzie, William Heinemann, 1958, p. 581.

⁸ *The Queen's Government* by Sir Ivor Jennings, Penguin, 1965, pp. 29, 51, 124.

electoral reform in that country, are being practised far more widely and with complete impunity by the Indian political parties. Apart from the fact that their election manifestos are often blueprints for Utopia, they stop at nothing in rousing the emotions and the baser passions of the masses in an attempt to trick them into voting in their favour. The Indian voter has never been properly instructed about his duties and privileges as the citizen of a democratic country. This is not surprising because most of the politicians who achieve responsible positions and those who aspire for them are themselves in need of indoctrination on the virtues of integrity and patriotism.

The Indian electorate, the largest in the world, is the most illiterate and indigent among all the democratically governed countries. Illiteracy is not a serious handicap if it is not exploited. After all, most of the founders of ancient civilizations did not know the art of reading and writing. The immortal Vedas were the outpourings of saints, sages and scholars who, in the absence of a script, transmitted their wisdom to posterity by word of mouth. Through a proper dissemination of knowledge, it is possible to enlighten the mind of even the uninstructed. This has never been done in India whose politicians have made capital out of the two-fold infirmities of the masses—their illiteracy and poverty.

Indian elections are invariably run on narrow communal and caste lines. The abolition of representation by religion has in no way rendered the ballot box secular. By and large, a Muslim voter still exercises his franchise only in favour of a candidate of his own faith. This is so in the case of other religious communities also. The Hindus, whose society is divided into a multitude of castes, are no less parochial in their outlook. In Haryana, the Jats and the Ahirs are aggressively conscious of their so-called superior social status. During the elections, the slogan 'Jat ki beti Jat ko, Jat ka vote Jat ko', that is to say, just as a Jat's daughter is to be married only to a Jat, a Jat's vote must go only to a Jat, is widely heard in that State. The Ahirs and many others are no less caste-conscious.

Such rank parochialism prevails all over the country. The truncated Punjab had to be amputated again in response to Sikh aspirations. In Rajasthan, the ruling caste of Rajputs is now fighting a rearguard action against the newly-awakened Jat pea-

santry. Bihar is notoriously caste-ridden, the Kayasthas desperately struggling to maintain their pre-eminent position in the public life of the State. Instances like these can be given in any number. In Maharashtra, the Marathas, who were within an ace of winning continental sovereignty before the establishment of British ascendancy, still remember their faded glory and cherish the ambition of imposing their hegemony on the rest of the numerically-superior population of the State. The Reddis of Andhra Pradesh and the Lingayats of Karnataka believe without openly affirming their convictions, that they are a chosen race in their respective States. The DMK-dominated Tamil Nadu, which has developed an obsessional belief in its distinctiveness, is tempted to behave as if it is a sovereign independent State, with an entirely new way of life of its own. Elections in such States cannot be broadbased and are always dominated by caste and sectional considerations.

Life in the countryside is still as tradition-bound as it was centuries ago. Poverty makes the deliverance of its population from the stranglehold of superstition and the dominance of the rural rich almost impossible. Since the majority of the people live in the villages and are enfranchised, rural India has acquired considerable importance as the reservoir of political power. Besides the traditionally powerful land-owning families, a new class of persons has emerged since Independence which is assiduously cultivated by the ruling party to perpetuate itself in power. The beneficiaries of the "green revolution" in Punjab and Haryana and the sugar barons of Maharashtra, for example, wield a degree of political influence which is as decisive as that of a king-maker.

The rural elite are indeed the cousins of the powerful politicians in the States and are in a position to dictate terms both to them and to the Central leadership since they control block votes. As king-makers, they demand to be appeased and get everything they want. Many of them have acquired a new and exotic style of living and dissipate large sums of money on costly eccentricities while thousands around them live in a state of semi-starvation. To illustrate, in 1971, a Congress legislator, belonging to the ruling caste in Maharashtra, celebrated the marriage of his son on a scale and in a manner that would have put even the Moghul splendour into the shade. It was a rural wedding and yet in

pomp and glitter it was so unique that it has won an abiding place in the social annals of the State. Besides a number of scions of the defunct ruling families from the neighbouring districts, ten Ministers, Central and State, took part in the rejoicings.

In the month of May of the same year, the then Union Finance Minister, who attended the wedding, propounded certain scintillating truisms on social justice. He claimed that the "massive mandate" which his party had received in the March elections was a "mandate for socialism" and for "rapid economic growth matched by increased social justice". Such a style of speaking has become the stock in trade of the members of the ruling party. The attendance of such a large number of Ministers and other influential men at the wedding proved the importance of the person who arranged it. He controlled the granary of votes in his district and needed to be placated. All other considerations were irrelevant. In most parts of rural India, the voters are no better than half-famished, dumb, driven cattle whose electoral support can be won through various devices and subterfuges. Like any other commodity, the votes are bought and sold in this country.

In an idolatrous country like India, posters, symbols and slogans attract the masses like a galvanic needle. The constituencies being large and the electors uninstructed, this kind of literature has a better reach and a more effective impact on the minds of the people. With its immensely superior resources and far better organisation than those of its opponents, the Congress has derived maximum electoral advantage from such mass propaganda. The personality of Mrs. Indira Gandhi is its chief and in some States, only means of success. In the 1971 and 1972 election campaign, full-page advertisements with the portrait of the Prime Minister at her charming best were published in the national newspapers and elsewhere with the legend "Onward to Democratic Socialism" and "On with Indira Gandhi". Another exhortation read: "Vote Congress for Progress Towards a Better Tomorrow".

The makers of these advertisements were adepts in proclaiming the excellence of their wares. They asserted: "Indira Gandhi combines courage with dynamic, progressive radicalism with responsible idealism. She is the only national leader whose image is enshrined in the hearts of the people". The panegyrists

were not prepared to set a limit to the prowess of the object of their adoration. They said: "A vote for Indira Gandhi is a vote for strong and united India. It is a vote against the forces of disruption and reaction. The people must make the choice. It is their future that is at stake. Indira Gandhi will not fail them". No matter what happens, such claims will continue to be made till the crack of doom. Unobtrusively, a cow lovingly suckling its little one was shown in the advertisement to proclaim to the voting masses that it was the election symbol of the Congress. Both in the urban and rural India, the cow is an object of worship.

In America, no constraints are considered necessary in the conduct of election campaigns. Britain, however, follows certain norms to ensure fair, free and peaceful elections. Even occasional departures from them are viewed with the utmost disfavour. The Tory Party, which incurred an estimated expenditure of £ 468,000 on account of its poster and advertising campaign between the years 1957 and 1959, spent a good deal of it in building up the image of Harold Macmillan, the Prime Minister. Commenting on it, the Labour leader, Richard Crossman, said that Macmillan was "being sold to the country as though he were a detergent". Another Labour spokesman, Gordon Walker, raised the issue in the House of Commons on November 5, 1958 when he said: "What I find particularly disturbing about this development is that the employment of a commercial advertising firm to 'sell' the Prime Minister and the Conservative Party and sell political ideas, as if they were packaged goods is bringing about in this country the worst sort of Americanization of our public life".⁹ In a hero-worshipping country like India such criticism is rarely heard.

Mrs. Gandhi's party showed a remarkable insight by choosing the cow and calf as its election symbol. The cow has won

⁹ *Macmillan: Portrait of a Politician* by Emrys Hughes, George Allen and Unwin, 1962, p. 173. Margot Asquith, the wife of the British Prime Minister, H.H. Asquith, was a highly talented woman with an unlimited capacity for idol-smashing. For instance, her attack on Lord Kitchener, that untried military genius, whose portrait was widely displayed in Britain during the First World War, was as original as it was devastating. She said: "Kitchener was more of a great poster than a great man. Never have dealings with a liar however clever". (*Asquith* by Roy Jenkins, Collins, 1965, p. 323).

an honoured place in the pantheon of the Hindu gods and goddesses. From time immemorial, it has been the object of worship and veneration. Bloody riots have taken place in the name of protecting it from slaughter. Mahatma Gandhi has exalted it as "the poem of pity". A well-proportioned cow, with its little one nestling closely to it and happily drinking the mother's milk, is a sight even for the gods to see! Thanks to this sacred symbol, many a vote was won by the Congress.

A Congress worker, who is a law graduate, told me that during the 1971 and 1972 elections, a number of voters admitted to him that, although they had decided to exercise their franchise in favour of the ruling party's opponents, they did not venture to do so when they saw the cow with its calf staring them in the face on the ballot paper! Bombay, it is claimed with what justification I cannot say, is the *urbs prima in India* and yet a mere symbol can quail the hearts of even the urban voters.

A press report, which is self-explanatory, reads thus: "In several villages in Dharwar district, women voters offered pooja to the 'cow and calf', the Congress symbol, before they voted. A white cow and calf, stationed a little more than 100 metres of a polling station attracted smiles and frowns from the supporters and opponents of the Congress party. A couple of women were seen patting the calf while on their way to the booth".¹⁰ In the Indian elections symbols mean everything, the candidates being relegated to the position of near-anonymity. The plough, a pair of yoked bullocks, the hut, the lamp, the ladder, the boat, the buffalo, the camel and a host of other things and animals familiar and useful to the rural community are pressed into service as symbols to decide the electoral fate and the political future of the candidates. In a village in Maharashtra, a man went round exhorting the people to vote for his fox which he carried under his arm. In the 1974 elections, an independent candidate in Uttar Pradesh unsuccessfully attempted to adopt an ass as his symbol.

In some parts of the country, the election days are looked upon as sacred days when the voters devoutly worship in the temples and pay homage to the ballot box before casting their votes. In two famous pilgrim centres in Rajasthan, the voters,

¹⁰ *The Indian Express*, March 6, 1972.

both men and women, took their holy bath on the election day in March 1974 and putting on their best dresses went to the polling stations to exercise their franchise.¹¹ Many voters bedeck the ballot boxes with flowers before putting their ballot papers into them. Others consider it an act of piety to drop coins into them. To the voters from hills and forests the election days are days of rejoicing. The menfolk march to the polling booths fully armed with bows and arrows and refuse to put them aside even when casting their votes. Their women-folk accompany them dancing and singing. The instances given here may not be typical, but they should cause surprise to none in a country steeped in ignorance and superstition.

There have certainly been instances where the voters have refused to vote in protest against the broken promises of the politicians. A press report from Lucknow dated February 24, 1974 is reproduced here: "‘No votes for any candidate’ was the angry response of the electorate of four villages in Malihabad constituency today in protest against the non-construction of a bridge over the ‘Behla Nala’ (a drain) separating the villages from the main metalled road. The village elders were seen sitting near the polling booths to ensure the success of the protest. They told the P.T.I. (Press Trust of India) reporter that the bridge was sanctioned in 1952 by the late Prime Minister, Jawaharlal Nehru, but had remained on paper till now."¹² Such news items win a place on the front page of the newspapers on account of their rarity. Indian elections are still dominated by symbols and slogans and are most susceptible to malpractices of every kind.

Despite the politicians' professed solicitude for the masses, nothing has been done in the matter of their economic well-being and political education. This is not surprising because the politicians of today are interested in nothing except in themselves. At no time did discerning men have any illusions about their calibre, but the events that followed the elections of 1967 thoroughly exposed their inadequacies even to the less observant. The Congress, which had enjoyed unchallenged supremacy in the country for one full decade, suffered severe reverses at the polls. In that year, it could secure only 284 seats in the Lok Sabha

¹¹ *The Indian Express*, March 4, 1974.

¹² *The Hindu*, February 25, 1974, p. 1.

which had a strength of 520. The sharpness of the setback to the ruling party is best illustrated by recalling its numerical strength in the earlier Parliaments. In 1952, it had won 362 seats in a House of 489, in 1957, 371 seats out of 494 and in 1962, 361 seats out of 494. Its slender majority in 1967 forced it to placate the reactionaries as well as the revolutionaries in order to remain in power. Such an unnatural arrangement could not, however, last indefinitely.

The situation in the States was no less gloomy for the Congress. Elections were held in sixteen out of the seventeen States and in nine of them it was dislodged from power. The change though overdue and necessary, however, proved to be most disappointing. A congeries of parties, divided by irreconcilable doctrinal differences, had come together to defeat the Congress with no nobler object than that of occupying the vacant seats of authority. They were bound together by no shared social or political ideals. It is small wonder, therefore, that the non-Congress ministries became notoriously unstable and sterile. The people under their sway felt that, while the 1967 elections had liberated them from the one-party tyranny, they were now exposed to unmitigated anarchy under the transient governments of irresponsible and treacherous politicians. The grandiloquent assertions of the new rulers that they were determined to put through their "agreed minimum programme" turned out to be illusory.

From the first, the United Front Ministry of Bengal presented the sad spectacle of a house divided against itself. There was no common ground between the Chief Minister, Ajoy Mukherjee, and his radical Deputy, Jyoti Basu, so that the principle of collective responsibility was reduced to a chimera in the policies and actions of the Government. On September 7, 1969 and on many other occasions, Mukherjee expressed his unhappiness over the frequent clashes between the workers of the different constituents of the United Front. His helplessness portrayed the state of his Ministry which was thoroughly demoralized. Violence and lawlessness became widespread in the State. According to a labour leader of Asansol, "every CPM worker thinks he is the Home Minister and behaves so". He complained that Jyoti Basu, who held the Home portfolio, had no grip over his Department.¹³

¹³ *The Indian Express*, October 9, 1969.

The politics of Bihar was notoriously slippery and treacherous. In 1966, the State was stricken with drought and famine of extreme severity. Millions of people starved and underwent many other privations, but the politicians were unmoved by the prevailing distress. The three principal castes, the Kayasthas, the Ahirs and the Rajputs, fought with each other to gain ascendancy over the public life of the State. The Brahmins too joined in this nefarious pursuit. Despite his great popularity, the Sarvodaya leader, Jayaprakash Narayan, could do nothing to save the masses from the stranglehold of the politicians whose machinations and misdeeds thoroughly wrecked the finances and the economy of the State.

Appearing before the Committee of Defections in July 1968, Jayaprakash Narayan spoke about the futility of talking about "conscience" in the prevailing conditions. He recalled how since the fourth general election in 1967 the ministries in his State came and went in quick succession. The peasants had learnt a lesson from their dreadful experience with the famine and were determined to avert a similar calamity by having recourse to modern techniques of farming. They needed Government help to do so but it never came. The unstable political conditions had gravely undermined the efficiency of the administration. The permanent officials divided themselves on caste and regional lines and took refuge in inaction. He made many suggestions for grappling with the evil of defections which included limiting the size of the ministries and forcing the defector to resign his seat in the legislature and seek re-election.¹⁴

Similar unstable conditions prevailed in many other non-Congress States. Haryana became a paradise for political apostates. One of its legislators set up a record as an ace Quisling by defecting thrice within a fortnight. Thanks to him, the sinister slogan Aya Ram and Gaya Ram came into wide currency. The price of defections, which often sent the Ministries to their doom, was high. A migrating legislator could pocket as much as one lakh of rupees! The size of the blackmail money was kept a close secret. The Chief Minister of Haryana blandly

¹⁴ *Committee on Defections: Proceedings of the Committee and Papers circulated to the Members. Government of India, Ministry of Home Affairs, pp. 18, 19.*

declared: "I am not in the habit of exposing my customers. I do not want to make them shy for ever".¹⁵

The politics in Haryana became so degraded that its Governor was forced to send a strongly-worded report on it to the President. He wrote: "Allegations have been made by the Opposition that the Ministry is continuing in power through corruption, bribery, political victimisation and distribution of offices, but then the Opposition is also apparently securing defections through no better means or through no cleaner methods. Allegations are being made openly by both sides that money is being paid to defectors".¹⁶ Both there and in other States, defections assumed the virulence of an epidemic, forcing the Union Home Minister to describe them on March 21, 1968 as "a national malady which is eating into the very vitals of our democracy."

Even in literate Kerala, political desertions are by no means rare. As in other parts of the country, its legislators, we are told, are "bought like any other merchandise". The buyer goes about with a sack and after making his purchase ties the "commodity" firmly in it!

The lust for power and riches has created this new class of political freebooters. They have become brazen-faced because the Congress, in its anxiety to perpetuate itself in power, has allowed easy access to them in its ranks. There were large-scale defections after the 1967 elections. In the short period between March 1967 and February 1968 as many as 438 legislators crossed the floor as against 542 such cases of political desertion throughout the fifteen-year period from the first general election to the fourth.¹⁷ The aim of the apostates was the attainment of ministries. Out of 210 such legislators from seven States, as many as 116 could realise their life's ambition. Such an enormous exodus from one party to another naturally destroyed the stabi-

¹⁵ *The Politics of Defection: A Study of State Politics in India* by Subhash C. Kashyap, National Publishing House, 1969, p. 99.

¹⁶ *Defections*: Government of India, Ministry of Home Affairs, Research Policy Planning and Revenue Division, 1968 (Typed copy), p. 44.

¹⁷ *Committee of Defections*, Report of the Committee, Report of the Lawyers Group and Explanatory Dissenting Notes by Members, Government of India, Ministry of Home Affairs, Chairman Y. B. Chavan, p. 1.

lity of the ministries. It is not at all surprising that sixteen governments fell in the same number of months.

The Congress was the greatest beneficiary of the migration of such political turncoats. It received an appreciable increase in the numerical strength of its legislators mostly through the desertions of Independents, those non-descript politicians whose role in the public life is as dangerous as it is negative. While its gains in the period 1957-62 were substantial, they were almost phenomenal in the succeeding five-year period. The tide, however, turned after its electoral discomfiture in 1967. It lost 175 members but received 139 into its fold. The Congress has shown a marked disinclination to grasp the nettle of defections firmly since such a course of action will mean radical but welcome changes in its own policies and programmes. Bhupesh Gupta, a member of the Committee on Defections, complained that his Congress colleagues on that body were not enthusiastic about formulating a scheme of "principled recommendations" for dealing with the evil. "The fear of the loss of power" he said, "weighed heavily on our deliberations".¹⁸

Various measures have been considered by expert bodies and others for the suppression of defections. Professor Balraj Madhok, who was also a member of the Committee on Defections, held that the lure of power was at the root of the evil. He said that he knew of persons, who could not earn even Rs. 100/- a month and yet they had been elevated to ministerial positions. In India, neither ability nor integrity is considered a necessary requirement for holding the exalted office of minister. Any person with a command over votes can attain that position even if he is a moral delinquent. The calibre of Indian Ministers will be discussed in the next chapter. It is enough to recall here that in one State some Ministers took away from their official residences costly articles such as refrigerators, room-coolers and radio sets when vacating their office. This was prominently published in a leading newspaper on August 8, 1969.

Though reprehensible, defections are, however, only the symptom of a malady which has no easy cure. So long as the politics of the country does not crystallise itself into a sound party system, thus making desertions the most hazardous under-

¹⁸ *Committee on Defections, Report of the Lawyers*, p. 17.

taking as in England, the evil will remain. The fact that as many as 90 defectors out of 329 sitting members of the Uttar Pradesh Assembly entered the electoral fray in February 1974 proves that no half-hearted measures can solve this problem. Only when there are two or three evenly-matched parties, competing with each other for the responsibilities of government, the question of defections can be dealt with effectively. Only then will it be possible to limit the size of the ministries and to mete out condign punishment to the political renegades. In Britain, party discipline is so strict that any person defying it risks political death. "Even forty years ago", wrote Richard Crossman, "it was still possible to cross the floor and survive. But today the member who loses the whip may win the next election, but after that the party machine will destroy him".¹⁹

The bane of India's political life is the lack of such discipline. Monolithic in its size and grandiloquent in the proclamation of its aims and objects, the Congress, especially since Independence, has never been an exemplar in disciplined behaviour. It has suffered frequently from internal convulsions, the only secret of its continued domination of national life being the imbecility of its opponents. The Congress split in July 1969 was inspired by no lofty ideals. When the faction called the Syndicate sought to bridle the Prime Minister, Mrs. Gandhi, by wanting to put N. Sanjiva Reddy in the Rashtrapati Bhavan, she frustrated their designs by ensuring his defeat, although she had earlier solemnly committed herself to support his candidature for the Presidentship of the Indian Union. She was afraid that Reddy would be "an inconvenient President, standing in the way of implementation of Government policies". She defended this belated explanation on the ground of conscience and later invited a devastating rejoinder from one of her party men, Bhanu Prakash Singh, a dispossessed ruler, when he was rebuked by her for voting against the Privy Purse Bill.

The ex-ruler's riposte is a classic and needs reproduction at some length. He told the Prime Minister: "I only used my conscience vote as you did extremely well to your best advantage in the Presidential election last year. What had happened then

¹⁹ *Machine Politics*: Walter Bagshot (II) by R. H. S. Crossman, Encounter, April 1963, p. 21.

to the Congress policy and programme? Accusing her of having worked for Sanjiva Reddy's defeat after she had herself filed his nomination papers, Bhanu Prakash Singh asked: "Is it correct to say that you, madam Prime Minister, only have a conscience and others do not have? Or is it that where the interest of the leader is at stake, then the conscience is valid and where the interests of the supporters and followers are concerned, it becomes invalid?"²⁰ It was impossible to counter such a closely-reasoned indictment.

The quality of the Indian political leadership was strongly exposed to the public view during the hearing of the case in the Supreme Court on the election of V. V. Giri as the President of the Indian Union. A scurrilous attack was made on Sanjiva Reddy in a pamphlet published on the eve of the Presidential elections. While the author or authors of the filthy literature took cowardly shelter behind anonymity, the origin of the booklet was never in doubt. The Supreme Court was amazed at the capacity of the witnesses from both sides for mendacity. The world was told by that august tribunal that "truth sat very lightly on the lips of most of the witnesses". Commenting on the contents of the pamphlet, Mr. Justice G. K. Mitter said: "It is difficult to find suitable words to condemn the making and publication of such a vile pamphlet in an election to the highest office in the land and it is certainly a great pity that the authors thereof have not been tracked or suitably dealt with". Such are the rulers and representatives of the people of India!

Soon after the split of July 1969, the Prime Minister assiduously built up her own image as the greatest friend of the common man and as the most resolute defender of socialism. On July 16, she dismissed the veteran Congressman, Morarji Desai, from the Finance Ministry and followed it up by nationalising fourteen major commercial banks. She set her foot firmly on the road to Prime Ministerial absolutism by dismissing some more Ministers later. She adopted a novel method of winning the plaudits of the masses by having recourse to what may be called the balcony politics. For sometime, almost every day she addressed a large gathering of people outside her palatial residence

²⁰ *Problems of Indian Democracy* by V. B. Kulkarni, Bharatiya Vidya Bhavan, 1972, p. 143.

in New Delhi, telling her excited and credulous audience that she and her party always stood for "sharing the fruits of freedom with the common man". On August 5, 1969, a mammoth crowd marched to her house in a procession led by Krishna Menon, the deposed Defence Minister, to listen to her. In a fighting speech, she told them that the nationalisation of banks was only a small step towards a bigger goal. "We have", she said, "started towards a direction and we will take more steps towards that goal".²¹

By thus presenting herself as the sole champion of the underdog, Mrs. Gandhi gained an ascendancy over the public mind equal to that of her father when he was in the heyday of his Prime Ministerial glory. By adopting such rash and ill-considered measures as the nationalisation of banks, the disastrous effect of which are now being felt, Mrs. Gandhi succeeded in creating a new zeal for socialism among the people and used her sudden rise to popularity for destroying her former colleagues in the Congress party and their political allies by ordering mid-term elections in March 1971. She defended the need for such unseasonable appeal to the electorate, the first of its kind in free India, on the ground that the Congress was not merely concerned with remaining in power but with using that power to ensure a better life to the vast majority of the people and to satisfy their aspirations for a just social order. "In the present situation," she said, "we feel we cannot go ahead with our proclaimed programme and keep our pledges to our people".

The Congress election manifesto affirmed the party's solicitude for the common man in similar language. It wanted a fresh mandate of confidence from him in order to go ahead with its proclaimed programme of socialism. It told the people that a "crash programme for employment" was ready to be launched within a few weeks throughout the country "as the nucleus of a larger and more comprehensive programme". It committed the Government "to enlarge the role of the public sector and improve its performance" and to "control prices and ensure to the people the supplies of essential commodities at reasonable rates". The manifesto claimed that the Congress was the only party which could place its programme before the people with a sense of

²¹ *The Times of India*, August 6, 1969, p. 1.

responsibility. "The Congress", declared the document, "pledges itself anew to these challenging tasks, to a social revolution which is peaceful and democratic and embraces all our people and permeates all spheres of national life". The masses and even certain thinking sections were in no position to treat the manifesto as a boastful, platitudous and deceitful document. It admirably served the purpose of winning a resounding electoral victory for the party.

The March 1971 parliamentary elections gave the Congress a comfortable two-thirds majority to proceed with its socialist programme without let or hindrance. It scored as many as 350 out of 518 seats in the Lok Sabha. Mrs. Gandhi is stated to be clever; she certainly used this asset to her best advantage by ordering elections in the States in 1972. In the first quarter of that year, 18 States and Union territories and the Metropolitan Council of Delhi went to the polls. There too the Congress scored an impressive victory. It is not relevant to my purpose to examine the reasons for this outcome when many had thought that Congress defeat in the parliamentary elections was a mathematical certainty. It is enough to say that Mrs. Gandhi's capacity to attract the masses, the strong predilections of women voters in her favour, the belief of the Scheduled Castes and Scheduled Tribes and other minorities that their fate and future hinged upon the goodwill of the Congress, and the weakness of the Opposition parties, ensured Congress victory.

In addition, the Congress had unlimited resources at its command and the support of the administration in its campaign to reach the masses. Considerations of ends and means never affected its attempts to win over the voters. The Report on the 1971-72 elections says that it is not possible to ensure "corruption-free" elections when the whole country "in every sphere and department of life and activity is plunged in the ocean of corruption". The document asserts that there will be no electoral malpractices only when other corruptions are eliminated.²² Since corruption has become a way of life in this country, the precondition of the Election Commission will long remain unfulfilled.

In the February 1974 elections, the Congress had reached the nadir of its popularity and yet it succeeded in securing a

²² *Report on the Fifth General Election in India, 1971-72*, Election Commission of India, p. 198.

majority in Uttar Pradesh and Orissa, the two large States where the prestige of the ruling party was at stake. In Uttar Pradesh, the home State of Mrs. Gandhi, the Congress gained 215 Assembly seats out of 424 for which elections were held, while in Orissa it secured 69 seats in a House of 147 members. Mrs. Gandhi, whose name and personality have a talismanic effect on the masses, strained all her energy and influence to win the elections, especially in Uttar Pradesh. She visited the State often on the eve of the elections and laid the foundation-stone of one project after another in such breath-taking profusion that many thinking people began to wonder whether all the resources of the country would be spent on their fruition. That brilliant cartoonist, R. K. Laxman drew a telling caricature of her doings in the State. The cartoon depicted her chief lieutenant in the State, H. N. Bahuguna, as inviting her to lay even more foundation stones. Holding a bucket of cement in one hand and stretching the other hand towards the distant horizons, he told the Prime Minister: . . . "And beyond there is still room for shipyards, spaceship launching sites, jumbo building factories".²³ Shipyards in a landlocked State!

Such an exuberant display of solicitude for a State where poverty and illiteracy are rife, was bound to catch the imagination of the economically disfranchised sections of the population. "The result", writes the Lucknow Correspondent of *The Hindu*, "showed that despite the general dissatisfaction due to price spiral and shortages, it is the illiterate and the most suffering classes like Harijans who have stood by the Congress". He also explains that the failure of the Opposition parties to present a united front against the Congress ensured its victory.²⁴

In Orissa too the ruling party's electoral successes should be attributed to similar reasons. The Pragati Party, its chief opponent, was no match for it. The Congress was least niggardly in making promises to the common man. It assured the people that immediate steps would be taken to introduce land reform and to inaugurate extensive irrigation schemes. The poorer sections of the community and more especially the Harijans and the Adivasis, strongly supported the Congress. "Among those", writes the Correspondent of *The Hindustan Times*, "who have

²³ *The Times of India*, January 20, 1974.

²⁴ *The Hindu*, March 11, 1974.

contributed to the Congress Party's success most are the Adivasis and Harijans. The lure of land did the magic. The Congress hooked up the land hunger by public distribution of land pattas to Adivasis in selected areas like Koraput and Parlakhemundi, besides Bhubaneswar".

The personality of Mrs. Gandhi also proved decisive. Biju Patnaik, leader of the Pragati Party, conceded that the simple women-folk of Orissa have a lingering nostalgia for Mrs. Gandhi".²⁵ Women in the urban areas were also the Prime Minister's admirers. After all, the community of sex is not a loose bond!

Money, of course, played a crucial role in the February 1974 elections as it has always done. The Congress spent immense sums of money in the 1971-72 elections, but they were a mere trickle compared to the flood in the 1974 elections. The size of the resources utilised by it in winning the U.P. and Orissa elections was mentioned both in the Press and in Parliament. On March 25, 1974, the Swatantra Party leader, Piloo Mody, alleged in the Lok Sabha that the ruling party had spent as much as Rs. 60 crores in the Uttar Pradesh elections and another Rs. 8 crores in Orissa for the same purpose. The Home Minister's reply to the charge was remarkable more for its heat than light. Asked by Mody from where his party got so much money, the Minister replied "It is none of your business". This surely was not the proper reply. Fair and clean elections are a matter of national concern and of national importance. But alas guilt has always taken shelter behind evasion and subterfuge.

All political parties that enter the electoral fray need money and receive it from different sources. By virtue of its superior position, the Congress is the greatest beneficiary of such benefactions. Being the ruling party, its merest whisper is like thunder in the business and industrial houses. A few years ago, a prominent industrialist is reported to have said that it was impossible to resist the Congress demands. Its capacity to coerce the moneyed class is unlimited. Businessmen are not almoners and do not give without getting something more in return. One industrialist is reported to have observed thus: "Before every election politicians threaten to stop commercial malpractices. If we pay up, these investigations and threats are put into cold

²⁵ *The Hindustan Times*, March 6, 1974.

storage".²⁶ The "donor" could then indulge in any social crime, including tax evasion, black-marketing and raising the prices of goods exorbitantly, with complete impunity. Piloo Mody, whose encounter with the then Home Minister, U. S. Dixit, was recalled a little earlier, declared in Parliament that by receiving Rs. 60 crores from the Uttar Pradesh business houses, the Congress allowed them to make a profit of Rs. 200 crores.

There is thus overwhelming evidence to prove that elections in India reek of corruption of every kind. The ruling party makes no bones about harnessing the Government-controlled mass media and the administrative machinery to weight the electoral scales heavily against its opponents. After the 1974 elections, grave allegations of malpractices were made against it in both Houses of Parliament. On February 28, a number of speakers in the Rajya Sabha, drawn from different Opposition parties, accused the Government of rigging the elections in Uttar Pradesh and Orissa. On March 14, the Swatantra Party leader, P. K. Deo, demanded an impartial inquiry into the conduct of the elections in those States by a high-power commission. If the demand was not conceded, he said, it would be assumed that the elections had been rigged. "In that case", he further observed, "the people will have to think of other methods to get rid of this undemocratic Government".

Addressing a largely-attended meeting in Bombay on July 14, 1974, Jayaprakash Narayan declared that he was at first told by a Congressman that a sum of Rs. 30 lakhs was spent in the Cuttack by-election in which Mrs. Nandini Satpathi, Chief Minister of Orissa, was a candidate. Later another Congressman told him that the actual amount spent was Rs. 40 lakhs. When the Sarvodaya leader brought this matter to the notice of the Prime Minister, she asked for the name of his informant. "I did not", he declared, "tell her the name because she is vindictive".²⁷

In the light of these facts, nothing is more fatal to the Opposition parties and indeed to the cause of democracy than to ask for lowering the voting age from 21 to 18 years. In theory, the demand for further broadbasing the electoral system is unexcept-

²⁶ *Elections: A Source of Corruption* by Murali Kumar, *The Times of India*, February 23, 1974.

²⁷ *The Times of India*, July 15, 1974; *The Indian Express*, July 15, 1974.

tionable, but in fact it will only widen the area of corruption and further strengthen Congress hegemony in the country. Even as it is, the Indian electorate, numbering some 300 millions, is the largest in the world and ten times that of Britain. The administrative resources of the Election Commission are already stretched to the utmost. Besides other irregularities, violence has begun to raise its head. In the 1971 elections, the number of rejected votes in Bengal was as high as 4.31 per cent. The Election Commission held that this was largely due to the "reign of terror" prevailing in that State at the time of the elections and the consequent "fear psychosis" that overtook the people.²⁸ With the affairs of the country going from bad to worse, there is every possibility of the law and order situation becoming even more critical. In these circumstances, there is little wisdom in further lengthening the voters' list.

This survey of Indian elections raises certain fundamental issues which must be faced squarely. Since the elections are not fair and free, those who are elected cannot legitimately claim to be the true representatives of the people. By the same token, the Congress, as the majority party, forfeits the right to govern the country. In England, certain constitutional experts take the view that the extent to which a popularly elected majority in the House of Commons may claim to be the accurate exponent of prevailing public opinion diminishes in the later years of the life of a parliament. It cannot, therefore, claim to represent truly the point of view of the people to the same extent throughout the period it is in office and pass such legislation as it likes. "The true constitutional view", says Lord Simon, "is that the people remain sovereign throughout and those whom it elects have the duty of interpreting and paying due regard to, contemporary opinion which may gradually change in the interval. This must be so, for a second General Election not infrequently shows a complete reversal of the view which prevailed on the previous occasion and such a change does not take place suddenly on election day, but is the culmination of a continuous process".²⁹

India, with her undeveloped free institutions, cannot afford

²⁸ *Report on the Fifth General Election in India, 1971-72*, p. 119.

²⁹ *Retrospect* The Memoirs of The Rt. Hon. Viscount Simon, Hutchinson, 1952, pp. 80, 81.

to take such a sophisticated view of the constitutional position of the ruling party. If it does, there will be no government in the country at all. But the least that can be done to give a truly representative character to the parliamentary institutions in the country is to work for the creation of a sound two or three-party system by the non-Congress parties sinking their differences and forming themselves into a viable constitutional Opposition. The electoral record of the Congress proves that it is not invincible. In fact, it has invariably ridden to power on minority votes. The weakness of its opponents has been to its best advantage. Neither its power nor its wealth has been of much avail where there have been straight fights. In the 1974 elections in Orissa, for example, the verdict in all the nine straight contests went against the Congress and in favour of the constituents of the Pragati Party.

The present position of the Congress in relation to its political opponents reminds one of the state of Moghul India. Sir Thomas Roe, the observant ambassador of the English King at the court of Emperor Jahangir, made a record of what he saw in this country in these famous words: "His (the Moghul's) greatness is substantially is not in itself, but in the weakness of his neighbours whom like an overgrown pike he feeds on as fry. Pride, pleasure and riches are their best description. Honesty and truth, discipline, civility they have none or very little". The Moghul Empire came to an end when the redoubtable Deccan highlanders, the Marathas, and the Sikhs in the north welded themselves into powerful military organisations to destroy its unwanted overlordship.

The tables can be similarly turned on the Congress by the Opposition parties organising themselves into a powerful force with the capacity to win the elections by fair means and to give the country a stable and clean government. By going their own separate ways, they have allowed themselves, as the elections have repeatedly proved, to be defeated severally and serially. In any scheme of the integration of the political parties, the Communists will have to be left out because they are no believers in the type of democracy that is practised and cherished in America and in many countries of Europe.

The ideological differences among the remaining political parties in the country are not so fundamental as to warrant their remaining apart permanently. If India is to be saved from dis-

solution, it is necessary to introduce certain basic reforms without much loss of time. Despite the five-year economic plans, poverty and unemployment have increased enormously since Independence. The meagre resources of the country are being frittered away in pursuit of ideological and sterile projects, in sustaining the ministers in royal style and in maintaining a gigantic and continually-expanding bureaucracy. Corruption and its accompaniment of black marketing have assumed such frightening proportions that one often despairs whether the country can have any future at all under the present dispensation. All plans for giving a fair deal to the disfranchised sections of the community, rural and urban, and for paving the way for the economic resurgence of the country will remain chimerical so long as these rampant evils are not combated effectively.

The Opposition parties must reflect seriously whether their doctrinal differences are so irreconcilable as to make it impossible for them to come together even when the country is in desperate need of their united action. Rightly or wrongly, India has opted for parliamentary government, one of whose basic requirements is a sound party system. Indeed, there can be no democracy without a competent Opposition. As in England, the Indian party system must grow up as a method of providing government rather than as a means of provoking ideological conflicts. No country, whose electoral system is based on adult franchise, need have recourse to totalitarian techniques to achieve the national objectives. The vote, if properly exercised, can be the harbinger of the most revolutionary changes without coercion or conflict. Electoral reforms are certainly necessary to prevent the Congress from remaining in office on the strength of minority votes, but they cannot be a substitute for a well-interested and powerful constitutional Opposition party capable of providing an alternative to the Congress government.

The attempts of the non-Congress parties to come together have so far been half-hearted and ineffective. Uneasy combinations and coalitions cannot yield the desired results. Many parties invited obloquy by their disgraceful behaviour when in office after the 1967 elections. In 1974, eight parties came together and formed themselves into a single organisation. Not many of them are of all-India stature and do not count for much in the weights and measures of national politics. It is inconceiv-

able how a well-entrenched Congress can be dislodged from power if an organisation like the Jan Sangh wants to plough a lone furrow. Only a high sense of patriotism and of responsibility to the country should bring the mutually exclusive and self-regarding non-Congress parties together.

Frankly, the prospects of such a combination are not bright. The country is condemned to Congress dominion for many more years to come. It is equally futile to expect any improvement in the government under the present rulers. But misrule and its consequences are not inevitable like fate. The situation can be saved, not by adopting any rash measures, but by making a wise use of the Constitution. Parliamentary democracy has certainly failed in India, but that does not mean the end of everything. How the country can be saved without subverting the present constitutional structure will be discussed in the concluding chapter of this book.

5. THE PRIME MINISTER

(i) Jawaharlal Nehru

THE Government, it has been well said, is the master of the country and the Prime Minister is the master of the Government.¹ In countries where the Westminster system is in operation the Prime Minister is looked upon as the elected monarch of his people. In Britain, he is the sole beneficiary of the supreme powers which the monarch once enjoyed and was forced to relinquish. The moment he is elected to that office, he ceases to be obliged to his supporters. He is much more than *primus inter parse* in his cabinet. If he is of an assertive type, he can play the role of the sun around which the other planets revolve. His colleagues in his cabinet hold their positions as long as they retain his confidence so that their office is always at his disposal.

It is well within the competence of the Prime Minister to initiate new policies and compel their acceptance by the members of his Ministry. Controlling an enormous mass of State patronage and having free access to mass media, he is looked upon by his people as a luminous star in the political firmament. Even the Opposition parties have to defer to him. They are certainly free to exercise their inquisitorial powers, but they can do nothing else. Party discipline and an unshakable majority in Parliament ensures the stability and dominion of the ruling party. On no account can the Opposition take the Prime Minister for granted, no matter what his personal qualities are, because he has under his control the powerful weapon of ordering the dissolution of Parliament.

All these powers are fully exercised by the British Prime Ministers. Shortly after he took office in 1951, Sir Winston Churchill, Prime Minister of Britain, announced that the first British A-bomb had been successfully tested. He paid a tribute to his predecessor, Clement Attlee, for making the initial decision. Attlee, the Labour Premier, was distinguished for his

¹ *The British Constitution* by H. R. G. Greave, George Allen and Unwin, 1958, p. 97.

quiet competence. The decision about the A-bomb and the cost of making it was taken by him alone and was not revealed either to his colleagues or to Parliament. "So completely", writes Richard Crossman, "had the reality of collective Cabinet responsibility been transformed by this date into a myth that no member of Mr. Attlee's Government either noticed anything unusual about this procedure or felt aggrieved that he had not been consulted".²

The British military misadventure in Egypt over the nationalisation of the Suez Canal in 1956 was the unshared responsibility of the Tory Prime Minister, Sir Anthony Eden, later Lord Avon. He took the decision and prepared the plans for the Anglo-French attack on Port Said without Cabinet consultation. In 1962, Harold Macmillan dismissed a number of his colleagues without provoking any convulsions either in his Government or in the country. In 1967, the Labour Premier, Harold Wilson, asserted the might and majesty of his office when he declared about a recalcitrant member: "He may not get his (dog's) licence renewed when it falls due". The observation also indicted the power of the party machine in the nomination of candidates to Parliament.³

I have drawn attention to these facts to show that the prime ministerial government is a reality in Britain and in other countries which have adopted her political system. It would, however, be misleading to conclude that the Prime Minister is a despot in those countries. He is the undoubted master of the Government but he is not the Government itself. Though he has a dominant voice in his Ministry, he is not free to make *ex cathedra* pronouncements or to lay down the law for his colleagues by arbitrarily ignoring their points of view. Harold Wilson has described the task of the Prime Minister as "conducting an orchestra and not playing the instrument himself". Though a Prime Minister is constitutionally free to form his own Cabinet, political considerations demand that he should have a certain number of powerful men from his party in his ministry irrespec-

² *The British Prime Minister: A Reader* edited by Anthony King. Macmillan, 1969, p. 165.

³ *The Power of the Prime Minister* by Humphry Berkeley. George Allen and Unwin, 1968, p. 80.

tive of his personal views about them. He has to deal with them carefully since their dissatisfaction may affect the fortunes of his Government. It is pointed out that Macmillan's "ministerial massacre" of July 1962 was a relatively minor episode since the persons that were sent out did not count for much in the affairs of the Tory party. With the exception of Aneurin Bevan, the powerful Labour leader, no Minister of standing, whether of the Conservative or of the Labour Party, has been dismissed from the Cabinet in the post-war years. Though not inviolable, the doctrine of collective responsibility is still very much in operation in Britain and in other countries sharing her system of government.

Besides, no person who holds the office of Prime Minister can gain the impression that it is a lifelong investiture. He and his party can remain in power, only rarely for more than two consecutive terms. By virtue of their long experience with parliamentary democracy the British people know that a prolonged enjoyment of power is apt to corrupt the politicians and encourage them to entertain overweening personal ambitions. It was indeed characteristic of the British nation that soon after the second world war it deposed Churchill, the architect of their country's victory, from the Premiership and brought a relatively colourless person from the rival party into his position. They feared that in peace time the war horse might behave like a stampeding pony and, therefore, sent Churchill and his Conservative Party into parliamentary Opposition.

Again, the British traditions of democracy have become so inviolable that no individual, however big his stature, can ignore them with impunity. The Prime Minister ceases to be an important person the moment he lays down his office. Harold Macmillan's talks to Robert McKenzie about the last years of his premiership, published in *The Listener*, contain certain revelations which make the hearts of all true lovers of democracy warm. Macmillan, who was admitted to hospital, resigned his Premiership in 1963 on account of illness. The Queen visited him in the hospital when he tendered his resignation to her. After her return, he was sent to sleep under a drug.

Let Macmillan narrate the rest of the story: "When I was Prime Minister, there was a scrambler telephone by my bed. When I got to sleep in the afternoon after this ordeal, I heard

a fellow knocking about in the room and I said: 'What are you doing?' He said: 'It's the Post Office man come to take away your telephone. You're not entitled to a telephone. I said: 'Hell, I was Prime Minister two hours ago, you might leave it a bit'. 'No', he said, 'that's the rule'. So that was the end of my power, which has never been restored". It is human that he was momentarily put out. He, however, recovered his equanimity quickly and was all admiration for his motherland. He declared that Britain was a wonderful country because there was real democracy in it.⁴

When the Conservative Party was defeated in the elections of March 1974, Edward Heath, the Prime Minister, vacated 10 Downing Street at once and left by the backdoor to seek asylum with a friend in a London flat. He had no house of his own either in the city or in its neighbourhood.

Again, the personal integrity of the British Prime Ministers is one of the outstanding features of the democracy of their country. In an interview to the political editor of the *People* in July 1971, Harold Wilson, who was then the Leader of the Opposition in the House of Commons, made the most remarkable statement of his financial position which included a photocopy of his bank account showing an over-draft of nearly £5,000. As Prime Minister, he was paid £10,000 a year plus £4,000 as expenses free of tax. This was not an adequate remuneration. When he moved into 10 Downing Street, he had a bank balance of over £2,000, but when he lost office six years later he was over-drawn. In a perceptive article entitled "How to Become prime minister and go broke", *The Economist* wrote that the financial assistance received by Wilson from the Labour party was inadequate. "The leader of the Labour Party", it recommended, "ought to receive something like £25,000 a year from Transport House. What is more, he should be the one to decide how it is spent".⁵

I have called attention to these facts as they are most relevant to India which has adopted the British system of government. We should seek to find out impartially to what extent the Indian functionaries are comparable with those of their Bri-

⁴ *The Listener*, October 18, 1973, p. 509.

⁵ *The Economist*, London, July 31, 1971.

tish counterparts in the fulfilment of their public duties. Neither prejudice nor unthinking praise should vitiate such an assessment. India's emergence from a long period of colonial status deprived her politicians of the opportunity to learn the art of parliamentary government. In modern Britain, no one can aspire to reach the supreme position of Prime Minister without a lengthy parliamentary apprenticeship. This requirement can be met only when the aspirant to that exalted office enters Parliament early in life. It is true that Pitt, the younger, became Prime Minister before he was twenty-five and after less than four years' experience as a Member of Parliament, but such examples are irrelevant to modern conditions.

In Britain, a Prime Minister today has to become the leader of a predominant party—a position which he can hope to reach after long years of devoted service to it. The only exception to this rule was Churchill, as he was in so many other respects. But he made good this deficiency by long parliamentary experience in one party or the other. None of free India's three Prime Ministers could claim to be veteran parliamentarians since Parliament itself is new to the country. Pandit Jawaharlal Nehru, who became the country's first Prime Minister and held that office for seventeen years till his death in May 1964, could have done much to put the parliamentary institutions on a sound basis, but his inexperience and overwhelming personality produced entirely different results. Professor Galbraith's entry of April 12, 1961 in his *Journal*, though couched in a language peculiar to his writings, describes the true state of affairs: "I presented myself"; he wrote, "as the most amateur of diplomats. He (Nehru) proclaimed himself an amateur prime minister. I think the truth will not be a barrier to our association—both of us were professing modesty no one else would find credible".⁶

Another noteworthy and indeed unique feature of the Indian parliamentary system is that the Prime Ministership in this country has tended to become the office of a lifetime. Nehru and his successor, Lal Bahadur Shastri, died in harness. He is a bold man indeed who can say confidently that Mrs. Indira Gandhi will agree to retire in the foreseeable future.

⁶ *Ambassador's Journal: A Personal Account of Kennedy Years* by J. K. Galbraith, Hamish Hamilton, 1969, p. 69.

As we saw in an earlier chapter, Nehru scrupulously observed all parliamentary practices and never absented himself from the two chambers when they debated important issues. He showed the utmost zeal in upholding the dignity of Parliament, but his dynamism put him above all parliamentary constraints. His conviction as a man of destiny drove him to function in a manner that did not conduce to a healthy growth of the parliamentary institutions in the country. Though his education and environment demanded that he should work within a democratic set up, his personal convictions, anonymously disclosed in a magazine article, tended to be different. Writing in *The Modern Review* of Calcutta in 1938, he said: "Jawaharlal has learnt well to act without the paint and powder of the actor. With his seeming carelessness and insouciance, he performs on the public stage with consummate artistry. Whither is this going to lead him and the country? . . . What lies behind that mask of his, what desires, what will to power, what insatiate longings?"

He considered that answers to these questions were important because he believed that he was destined to play a crucial role in the India of those days and in future. Commenting on his popularity, he said: "From the far north to Cape Comorin he has gone like some triumphant Caesar passing by leaving a trail of glory and a legend behind him". He thought that men like him "with all their capacity for great and good work" were "unsafe in democracy". He declared that he was not a fascist, but he had "all the makings of a dictator in him". Every psychologist, he said, knew that the mind was "ultimately a slave to the heart and that logic can always be made to fit in with the desires and irrespressible urges in man. A little twist and Jawaharlal might turn a dictator sweeping aside the paraphernalia of a slow-moving democracy". The concluding sentences in his estimate of himself are significant. He wrote: "We have a right to expect good work from him in the future. Let us not spoil that and spoil him by too much adulation and praise. His conceit, if any, is already formidable. It must be checked. We want no Caesars".⁷

Nehru had thus persuaded himself that he was an historical

⁷ *Jawaharlal Nehru: A Critical Tribute*, Edited by A. B. Shah, Manaktalas, 1965, pp. 111-15.

figure and functioned accordingly, inspite of the inhibiting circumstances in which he had to operate. His estimate of his partymen was least flattering to most of them. Long before independence, he wrote to his admiring friend, Krishna Menon, that the kind of "material" he saw around him distressed him "beyond measure", although, without much regard for consistency, he asserted in his autobiography that an average Congress worker was "far more efficient and dynamic than another person of similar qualifications".

There were, according to Nehru, many "undesirables" in his party. In the pre-independence years, his idealism, considered irrelevant in the prevailing condition of the country, brought estrangement between him and such Congress stalwarts as Sardar Vallabhbhai Patel and Rajendra Prasad. His concept of radicalism was entirely his own so that no less a person than Subhas Chandra Bose did not consider him sufficiently forward-looking in order to deliver the goods to the common man. After independence, such devoted Congressmen as Acharya Kripalani and Purushottamdas Tandon had to part company with him. The death of Sardar Patel in December 1950, so soon after national independence, was a calamity for India. By his towering personality, the Sardar alone was capable of exercising some degree of restraint on the highly-strung and impatient Prime Minister. After 1950, Nehru, who had always been the master of the Government, became the Government itself—a point of view that is shared by many impartial foreign observers.⁸

As pointed out in an earlier chapter, Nehru's ascendancy in Parliament was no less absolute. His obsequious partymen obliged him by giving him pliant members in both the national and State legislatures. Most of them were, in the words of Durga Das, "courtiers, sycophants and hangers-on". This eminent journalist further wrote: "When I asked (Maulana Abul Kalam) Azad to comment on this development, he said: 'We are still feudal, but what has distressed me is that many good persons have been denied tickets because the trusted courtiers had labelled

⁸ Walter Crocker, the Australian High Commissioner in India, knew Nehru well. He wrote: "Until his last four years or so he (Nehru) was so much the head as to be the Government". (*Nehru: A Contemporary's Estimate* by Walter Crocker, with a Foreword by Arnold Toynbee, George Allen and Unwin, 1966, p. 73.

them as anti-Nehru' ".⁹ The choice of Congress candidates fell on "lamp posts", most of them without lights. They were duly transplanted to the legislative chambers of the land to spread greater gloom and to reduce democracy to a farce.

Commenting on the quality of the Indian Members of Parliament, the distinguished French scholar-statesman, Andre Malraux, says: "Members of Parliament were only partially emancipated from their caste. The parliamentary ideal derived from an ideal image of the British Parliament, and had no connection with the Indian past".¹⁰ Neither then nor now do the majority of Indian legislators understand that they have a higher duty to perform than to become a mere voting machine in favour of their party, right or wrong. With such persons constituting his party's majority in Parliament, Nehru could ignore the Opposition. There were many formidable debaters in the ranks of the Opposition, but of what avail were their parliamentary abilities when their parties were no better than a motley collection of sub-groups? A British journalist, who watched the Indian democracy in action from close quarters, wrote thus: "Enjoying his dominance in the House, his (Nehru's) sallies were often touched with contempt for his opponents—'infantile', 'childish' were favourite words of rebuke for them. His authority was accepted, and in fact Nehru rather than the Speaker held the reins of the House".¹¹ Even the highly-respected Liberal leader, Pandit Hriday Nath Kunzru, was not spared Nehru's whip-lash.

Reference has been made in an earlier chapter to Nehru's style of transacting public business in his Cabinet. There were certainly some mettlesome members in his Ministry, but few could have their own way against the Prime Minister's will. The fate and future of Tibet was of crucial importance to India's security, but Nehru peremptorily dismissed all views on this issue that did not square with his own. K. M. Munshi and N. V. Gadgil were neither flatterers nor mentally ill-equipped persons and yet on the question of Tibet their well-considered point of view was brushed aside. In his prefatory note to Sardar Patel's letter of November 7, 1950 to Nehru, reproduced in the *Bhavan's*

⁹ *India From Curzon to Nehru* by Durga Das, Collins, 1969, p. 308.

¹⁰ *Anti-Memoirs* by Andre Malraux, Bantom Books Inc. 1970, p. 169.

¹¹ *India's China War* by Neville Maxwell, Jaico, 1971, p. 113.

Journal of February 26, 1967, Munshi wrote: "During the Cabinet meeting on the Tibetan question, all of us acquiesced in what Jawaharlal Nehru had already done, only one or two of us venturing to voice feeble criticism. Among them was Shri N. V. Gadgil for whom there was a snub. 'Don't you realise that the Himalayas are there?' I timidly ventured to say that in the seventh century the Tibetans had crossed the Himalayas and invaded Kanauj". Munshi did not record how Nehru reacted to this reminder.

In 1957, I was in the office of a Union Minister in New Delhi when he decided to write to the Prime Minister complaining about the growth of linguistic intolerance in the country. He sent for his stenographer but was unable to dictate anything as he could not make up his mind on how he should address the great man. Was he to say: "Dear Shri Nehru", "Dear Jawaharlalji", "My dear Prime Minister", "Dear Panditji" or "Dear Nehruji" . . . ? It was a problem with no solution! He decided to abandon the idea of writing to the Prime Minister, at least in my presence. He looked guiltily at me after sending away his stenographer. When I suggested to him that any one of the terms he tried would have fully served the purpose, he said: "You don't know". I could, of course, understand the significance of his laconic reply. The Minister was a highly competent and widely-respected man who is still happily with us, full of years and spending the rest of his life in a sylvan retreat.

The treatment meted out to Lal Bahadur Shastri, Nehru's successor as Prime Minister, furnishes conclusive testimony to the fact that his dealings with his colleagues were not always normal. After his sudden illness at Bhubaneshwar in January 1964, the Prime Minister was advised to take back Shastri into his Ministry to relieve the burden of his daily work. He agreed to do so and allowed Shastri to deal with the official files. The arrangement was not to his liking and he virtually stopped it as soon as he recovered his health. The unfortunate Minister without portfolio was left high and dry. He found it almost impossible to gain access to his chief. It is small wonder that he was forced to say often "I am only a glorified clerk".¹²

Nehru believed that the conduct of India's foreign policy

¹² *India: The Critical Years* by Kuldip Nayar, Vikas, 1971, p. 21.

was his exclusive concern. That policy rested almost entirely on his idiosyncrasies. Senior officials pleaded in vain with him to put it solidly on an institutional basis. His personal stature and his ringing words in support of a world order won for him willing listeners for sometime in the capitals of many countries. The visits of the Presidents of America and Soviet Russia and of the Soviet Premier, Krushchev, to New Delhi strengthened Nehru's belief that he was cast for some special role in international affairs. He expressed his surprise that India's voice counted for so much in the councils of the world despite the fact that she was so poor and weak. He explained that she was listened to with respect because her plea for peaceful co-existence was made with "a deep feeling from inside our hearts and a deep understanding of the world as it is today". But this glory was shortlived, for no country which is afflicted with grave internal problems and whose policies, domestic and external, lack in consistency, can command sustained respect.

Nehru's eminence was no substitute for practical statesmanship, so indispensable to the regulation of national and international affairs. His commitment to hold a plebiscite in Kashmir on its future was ill-judged. The procedure for the accession of the princely States either to India or to Pakistan was prescribed, not by New Delhi, but by Whitehall. It was not open to anybody, including Nehru, either to revise it or to ignore it for any purpose. Kashmir was like any other principality in the Indian sub-continent. When its Maharaja signed the Instrument of Accession in favour of India on October 26, 1947, the transaction became final and irrevocable. But by succumbing to an idealism that evoked no reciprocal gesture from anywhere, he firmly tied the Kashmir millstone around India's neck. Pakistan's refusal to forswear its claim to that State proves how Nehru's pledges have made the problem intractable.

The Prime Minister's dealings with Nepal were equally noteworthy for lack of foresight. That Himalayan State had not enjoyed independent sovereignty during the British period. Besides, politically its dynasty was held in duress by the local aristocracy known as the Ranas, who had gained full possession of the Government. Nehru played a noble part in helping the King in regaining his powers and his State in winning independent sovereignty. Following this assistance, the relations between the

two countries would have become cordial, especially when there is so much in common between them culturally and economically.

But Nehru showed unusual interest in the domestic affairs of the kingdom which roused the suspicion of King Mahendra. He disliked the Indian Prime Minister's open disapproval of the abolition of the democratic institutions in his State in 1960. Fearing that he might be exposed to a variant of the Rana hegemony through India's excessive solicitude for his subjects, the King very adroitly established diplomatic and commercial relations with her unfriendly neighbours, Pakistan and China. Nehru's well-meant action in raising Nepal to independent sovereignty has certainly not strengthened the security of his own country. The little hill kingdom is now in a position to dictate terms to its big neighbour with complete impunity.

Nehru's part in the annexation of Goa after the police action of December 1961 has not redounded to the credit of India. It was idle to expect the Portuguese dictator, Salazar, to follow the example of Britain and France in making a voluntary surrender of his possessions in India. In 1950, three years after national independence, Sardar Patel expressed the view that India was well within her rights to take over Goa and other Portuguese enclaves on Indian soil and that the whole process could be completed within a couple of hours. Nehru did not agree to any such procedure since it offended his susceptibilities as a believer in the peaceful settlement of international disputes. Invoking the Gandhian principles, he said in Parliament on August 25, 1954 that he would continue to abide by them.

"These principles", he declared rather grandiloquently, "are the foundations on which our very nationhood rests and which are the historic and unique legacy of Gandhiji and the pioneers of our freedom". The Portuguese dictator and his friends rejoiced at such a categorical commitment by the Indian Prime Minister and felt greatly assured that the Goa problem would not be solved by force of arms. They were, therefore, dismayed and angered when the Indian forces marched into Goa at midnight on Sunday, December 17, 1961. Even those who appreciated the justice of the Indian case were amazed at such a wanton disregard for solemn commitments. To make matters worse for India, on the eve of the police action in Goa, Nehru had made a passionate plea for international peace at the World

Council of Churches that had assembled in New Delhi. So impressive was his address that a clergyman was stated to have declared that the Indian Prime Minister had taught them to be better Christians. "At the moment he made that speech", writes Crocker, "the troop trains were already moving relentlessly towards Goa".¹³

The propaganda in support of the Indian action was incredibly crude and stupid. Professor Galbraith is a good friend of India and his appraisal of Nehru realistic. He sympathised with the Indian case on the Goa issue but deprecated the "fabrication" of excitement over it. The casual reader of Indian newspapers, he said, could conclude that Portugal was "about to take over the entire Indian Union".¹⁴ Nehru's vacillation persisted till the last moment. He vainly hoped to avert the inevitable. It was too late to halt the march of the Indian troops into Goa. "Deeply torn", writes Neville Maxwell, "caught again in the velleity that was so marked in his character, he let others more decisive and purposeful push events until they picked up their own momentum and could not be stopped. Thus he made his own role look worse than it need have".¹⁵ Nehru's vain pursuit of idealism brought him and his country the accusation that they were guilty of machiavellism.

If the Goa episode tarnished the fair name of India, Nehru's China policy brought abounding disgrace to her. His anxiety to promote cordial relations with resurgent China was well-founded, but the manner in which he set about to attain this end was egregiously wrong and disastrous. He and the whole world knew that the Communists, who had gained possession of mainland China in 1949, were determined to resume the expansionist policy of their forbears and as the first step in that direction annexed Tibet in 1950. India could do nothing worthwhile about the destruction of Tibet's autonomy, but she could certainly have refrained from endorsing it. In his anxiety to lend reality to the empty and emotion-ridden slogan *Chini Hindi bhai bhai*, the Chinese and the Indians are brothers, Nehru concluded on April 29, 1954 an Agreement with China which unreservedly conceded that Tibet was China's colony. The warn-

¹³ *Nehru: A Contemporary's Estimate* by Walter Crocker, p. 126.

¹⁴ *Ambassador's Journal* by J. K. Galbraith, p. 275.

¹⁵ *India's China War* by Neville Maxwell, p. 228.

ings and remonstrances of the Indian political leaders including the plea for caution by Sri Aurobindo from his seclusion at Pondicherry, fell on deaf ears.

The repeated suggestions of military experts to prepare the country against possible Chinese aggression shared the same fate. Nehru and his colleague, Krishna Menon, who was made Defence Minister in 1957, believed with the intensity of an obsession that the great Communist neighbour would never attack its Indian ally. The only weapon upon which these two arbiters of India's destiny depended was non-violence and moral force. The doctrine of *Panch Sheela*, that illegitimate and ill-starred offspring of the Sino-Indian agreement over the luckless Tibet, was little more than a bundle of platitudes which was not taken seriously in any country and certainly not in China. The Chinese categorically rejected it as a substitute for a regular treaty on the Sino-Indian borders.

There is good reason to believe that a highly advantageous agreement on the border question could have been made by India if only Nehru had dealt with it realistically. In September 1951, the Chinese Premier, Chou En-lai, told the Indian ambassador in Peking that "there was no territorial dispute or controversy between India and China". His Government was prepared to accept the MacMahon alignment as this country's north-eastern boundary. The Chinese claim to Barahoti, called Wie-Je by them, in the district of Garhwal in Uttar Pradesh, could be countered by presenting evidence of unimpeachable authenticity. This was in fact done during the 1958 discussions. Similarly, India's assertion that the border between her possession, Ladakh, and Tibet admitted of no dispute could be proved conclusively. As far back as 1847 a Chinese official had written that the "borders of those territories have been sufficiently and distinctly fixed". At no time was the Indian jurisdiction over that region doubted or challenged by any Power. The Chinese, however, attached great importance to this area. Unknown to India, they developed in the nineteen fifties the old caravan route across Aksai Chin into a strategic highway connecting the north-western Tibet with the province of Sinkiang by making deep inroads into the Indian territory.

The Chinese were thus guilty of aggression in the western sector, but even this issue could have been settled amicably if

Nehru had not taken the rigid stand that the subject was not to be discussed at all. His unbending attitude on the border question forced the Chinese to become equally stubborn. They revised their earlier stand and began to question the validity of the MacMahon line in the north-east. By way of retaliation, the Prime Minister directed by ignoring repeated expert advice that a series of checkpoints should be planted in such places as were likely to be regarded as disputed areas. Though from the military point of view, the value of the check posts was worse than useless, the Indian action gave the Chinese a God-sent opportunity to proclaim to the world that their aggression was in fact in self-defence!

India's warlike postures could perhaps have been understood if she was really in a position to regain her lost territories by force of arms. But, despite the fact that two highly militarised powers, Pakistan and China, were sitting at her doorsteps, her rulers stubbornly refused to arm her. The American offer to convert the country into an arsenal of democracy in the East was rejected with contempt. The Prime Minister left none in doubt that on no account would he forswear his adherence to non-alignment and non-violence. He had not revealed the gravity of the Indo-Chinese dispute to his Cabinet colleagues or to Parliament till the last quarter of 1959.

By 1960, it was as clear as daylight that the Chinese were determined to make good their territorial claims on India through military action. When the Prime Minister was asked whether he still believed in the widely-opposed doctrine of neutrality, he answered with a question: "When danger comes, are our hands to shiver, our feet to grow cold, and are we to seek shelter under somebody's umbrella?" He repeatedly admonished his countrymen to concentrate on strengthening their morale rather than their defence since only thus could they remain unconquerable. "But", he added, "on the contrary if you rely too much on men with guns and lose your moral fibre, then you are done for".¹⁶ How did he react to his own unique prescription when defeat and disaster overtook India? In his book *Between The Lines*, Kuldip Nayar quotes thus from his Diary dated November 20, 1962:

¹⁶ *Jawaharlal Nehru's Speeches, 1949-53* The Publications Division, 1954, pp. 179-80.

"His (Nehru's) household reports that he is quieter than usual, keeping his thoughts to himself, often in a reverie and *sometimes trembling*".¹⁷ His belief in non-alignment was little short of bigotry. Walter Crocker writes: "Nehru once said that he would rather India be reduced to dust than to give up Non-Alignment".¹⁸ Apart from the fact that India, this motherland of ours, is much greater than her greatest sons, such outbursts are certainly not in consonance with democratic principles.

In the October 1962 war with China, the Indian troops were deliberately sent to their doom. They were led by General Brij Mohan Kaul, Nehru's favourite, who had, according to Brigadier J. P. Dalvi, superseded at least six officers to become the Chief of the General Staff. Though he was Sandhurst-trained for infantry, he had never served with a combat arm before so that he fully deserved to be put in the category of those Indian generals who were picturesquely described by Professor Galbraith as "amiable frauds". The disaster to Indian arms should not, however, be attributed entirely to Kaul's inexperience. There were absolutely no plans to meet the enemy. "We became", says Brigadier Dalvi, "the laughing stock of the world when it became known that Kaul had no corps to command".¹⁹ Kaul has himself drawn up a powerful indictment against his patrons, Nehru and Krishna Menon, for turning a deaf ear to his and other generals' urgent pleas for arming the country.²⁰ Both the Prime Minister and the Defence Minister had repeatedly deluded the people that the defence services were in fine fettle with the fullest capacity to protect the country from aggression. In fact, the troops that faced the well-prepared and numerically superior Chinese army were deficient in everything, including shoes and warm clothing.

The Indian soldiers, described by no less a person than Ayub Khan of Pakistan as among the bravest in the world, were literally butchered by the enemy. According to the Indian Defence

¹⁷ *Between The Lines* by Kuldip Nayar, Allied Publishers, 1969, p. 169.

¹⁸ *Nehru: A Contemporary's Estimate* by Walter Crocker, p. 89.

¹⁹ *The Himalayan Blunder* by Brigadier J. P. Dalvi, Thacker, 1969, p. 252.

²⁰ *The Untold Story* by Lt. General B. M. Kaul, Allied Publishers, 1967, pp. 328-30.

Ministry, the number of Indian troops killed and missing was 1,383 and 1,696 respectively while as many as 3,968 were captured during the short conflict. Despite this overwhelming disaster, for which the Prime Minister and the Defence Minister were primarily responsible, nothing happened to the Nehru Government. "It will be appreciated", writes Dalvi, "that we as soldiers were considerably shaken by political leadership of this kind". Nehru needed much persuasion and even threats before he could dismiss Menon from the Defence Ministry and bring Y. B. Chavan in his place.

After the October military disaster, the prestige of Nehru and of India, which had been pretty high for some years, plunged to the ground never to rise again. In any democratic country, there would have been a mighty public outcry against him and his Government. He would probably have been forced into political exile, but nothing of the kind happened in India. His democratic instincts should have urged him to resign, but the lure of power and limelight was irresistible. He was filled with strange forebodings in the last years of his life. Writing to Bertrand Russell, the distinguished British philosopher, he referred to "the danger of the military mentality spreading in India, and the power of the Army increasing".²¹

Nehru's domestic policies were also highly idiosyncratic. His aims were always lofty but the attainment of most of them was either hampered or frustrated by his impractical idealism and vacillation. Informed opinion was firmly against the reorganisation of the States solely on the linguistic principle, although the Congress had committed itself to it as far back as 1921. The integration of the princely States called for redrawing the country's administrative map, but language need not have been the sole criterion for the new dispensation. Speaking in the Constituent Assembly on November 27, 1947, the Prime Minister declared that "first things must come first". Those first things were, as they still are, the security and stability of India and her economic progress. He conceded the principle of linguistic homogeneity in the government of the States, but considered it imprudent to give priority to it by ignoring the more important and urgent measures. He thought it unwise to undertake a radical

²¹ *India's China War* by Neville Maxwell, quoted on p. 440.

reorganisation of the administrative boundaries so soon after the country's partition, described by himself as a "major operation".

His views on linguistic States were heartily endorsed by most of the prominent leaders, including Sardar Patel, C. Rajagopalachari and Pandit Gobind Ballabh Pant. The Sardar condemned the language bigots as the "assasins of nationalism". All the expert bodies that studied this question were unanimous in warning that the forces of nationalism in the country, never too strong, would be gravely undermined if language was given undue predominance in the reorganisation of States. The Dar Commission, which was appointed by the Constituent Assembly in June 1948, called attention to the fact that Indian nationalism was still in its infancy. It felt that if a revision of the States' boundaries was considered imperative, language should not be given much importance in the scheme of reorganisation. It said: "Administrative convenience, history, geography, economy, culture, and many other matters will also have to be given due weight"²²

For one full decade after independence, Nehru was at the height of his power and prestige and none would have ventured to oppose him if he had agreed to the suggestion that the issue of linguistic States should be postponed for at least twentyfive years. But by yielding to the pressure from Andhra Pradesh, for which Sardar Patel was no less responsible, he unwittingly became instrumental in bringing to the surface and in strengthening the pre-existing regional and linguistic chauvinism. The birth of Andhra as a linguistic State in October 1953 forced the pace for the creation of similar units in other parts of the country.

The States Reorganisation Commission, whose appointment was announced by the Prime Minister on December 22, 1953, was a high-powered body. Its Chairman was S. Fazl Ali, a retired High Court Judge, while its two members were such well-known public figures as Pandit Hriday Nath Kunzru and Sardar K. M. Panikkar. Following the dissolution of the Princely States, the Commission conceded the need for the reorganisation of the former British Indian provinces, but, like its predecessors, it insisted that language should not be the chief basis for the change. It warned that States, derived exclusively from the principle of

²² *The Framing of India's Constitution*, Volume IV, The Indian Institute of Public Administration, 1968, p. 475.

linguistic homogeneity, were apt to develop the "homeland" concept which would be most dangerous to national unity. It, therefore, urged that language should be just one among many other criteria for the States reorganisation and recommended the district as "the basic unit for making territorial readjustments".²³

India's policy-makers have acquired an inveterate habit of ignoring expert opinion even after inviting it. Nehru had given a categorical assurance to Pandit Kunzru that the Commission's recommendations would be accepted as an award. He was, however, unhappy about many aspects of the Report. He was certainly not pleased with the suggestion for the dismemberment of Hyderabad, the former Dominions of the Nizam, who had, by ignoring both history and the realities of the situation, brazenly staked his claim to independent sovereignty.

Nehru's thesis that no decision was irrevocable in a democracy was only a paraphrase of his unwillingness to remain steadfast to his own commitments. His vacillation and manifestly unfair attitude on the future of Bombay city caused considerable dissatisfaction in Maharashtra. For sometime, he could not visit the city and other Marathi-speaking areas without elaborate police protection. Though for other reasons, his daughter too had a similar disconcerting experience in the early months of 1974. The State of Maharashtra came into existence in May 1960, with Bombay as its capital, despite Nehru's predilections. As will be shown in the next section of this Chapter, today the linguistic States have become a potent source of national disunity and discord. It would have been possible to avert such a calamitous development if only Nehru had stood firm on the issue.

Nehru's solicitude for the common man was undoubted. He was determined to fight poverty and unemployment in the country, not with kid-gloves, but with the mailed fist. Long before he became Prime Minister, he was widely known as the champion of social justice. He wrote in his Autobiography: "Our final aim can only be classless society with equal economic justice and opportunity for all". It was he more than any other political leader who encouraged wider interest in the country's economic development on planned lines. He was indeed the progenitor of the Planning Commission which under his Chair-

²³ *Report of the States Reorganisation Commission, 1955, p. 81.*

manship attained unrivalled authority to determine the country's economic future despite its constitution being non-statutory. His economic convictions were largely Fabian, although he was convinced that the Soviet system could be "allied to a great deal of democracy". The transformation of the Indian economy into a "socialistic pattern" within the framework of a parliamentary democracy became the chief mission of his life as Prime Minister and national planner.

He would perhaps have succeeded in his objective if he had given serious thought to the three criteria for successful planning. These are economic potential, administrative capacity and political will to develop. The country abounded in resources. The administrative set-up, one of the few commendable legacies of the British Raj, was extremely good and could readily be harnessed to the task of national development. Indeed, as Sardar Patel had good reason to believe, the services were willing to rise to any height in the service of the country. "It is remarkable", wrote V. P. Menon who was close to him during the integration of the princely States, "how the services reacted to his touch. It became a question of honour with them to live up to the Sardar's expectations". They were prepared to give of their best to Nehru also if he sought their co-operation. It is unfortunate that this great man had an inborn suspicion of the bureaucracy, although he became responsible for its growth into what he himself called a "jungle".

The third criterion, namely, the political will to develop was undoubtedly strong in Nehru and perhaps among a certain number of persons close to him and sharing his enthusiasm for planned progress. But to the masses it was a sealed book. The vastness of the country, the poverty of the people, their superstitious adherence to ancient and outmoded traditions and their proneness to lethargy and indiscipline were immense hurdles in the way of their active participation in the great adventure of national reconstruction. Even at this distance of time, their knowledge of planning is still marginal so that millions of Indians do not know whether it is fish, fowl or red-herring. Besides, the Prime Minister took no steps to forge effective sanctions against the forces inimical to national progress.

By the time the First Five-Year Plan, 1951-56, was published, it was clear that corruption had become a grave evil, threaten-

ing to disrupt the morale of the people and to frustrate the sustained growth of the national economy. The complaint of the veteran Andhra leader, Konda Venkatappayya, made public by Mahatma Gandhi on January 12, 1948, revealed how grave the threat posed by influential men was to orderly and efficient government. "The situation", he wrote, "is growing intolerable every day with the result that the Congress as well as the Congress Government have come into disrepute".²⁴ Though Venkatappayya spoke for the Telugu districts, the degeneration had overtaken the entire country.

Political venality is far more insidious than all other forms of corruption. If the rulers are themselves involved in shady transactions and pursue the path of self-aggrandizement, it means the end of the government with all its dire consequences. Unfortunately Nehru ignored this serious aspect of national degeneration. He was angry with Rajendra Prasad when he warned him that corruption would destroy the ruling party. In a detailed article on the growing moral disintegration of the country, published on May 19, 1974, Acharya Kripalani recalled that the Prime Minister lost his temper when the fact of corruption was brought to his notice. He wrote: "In Parliament, I denounced this corruption so persistently that once Jawaharlal in anger retorted that corruption was brought about by those who talked about it".²⁵

The Prime Minister was stubbornly allergic to taking firm action against political corruption, presumably because he felt that to recognise the existence of this evil was to admit the deficiency of his stewardship of the administration. The men involved in such episodes as the jeep scandal, which set the pace for dishonesty in high places, the Mundhra case, the Serajuddin affair and the Kendu leaves scandal, to mention only a few, were close to the Prime Minister and many of them had enjoyed public esteem for their spirit of sacrifice and intellectual brilliance till their villainy became known. D. Sanjivayya, Congress President, openly deplored the fallen condition of his partymen and complained that even paupers among them had become million-

²⁴ *Mahatma* by D. G. Tendulkar, Volume VIII, The Times of India, pp. 301-02.

²⁵ *The Indian Express*, May 19, 1974. The article is called "The Obsession with Ideology".

naires. He did not exaggerate.

To give a couple of examples, Bakshi Ghulam Mohammed and his large family drew their breath in the bosom of poverty but the politics of Kashmir opened for Bakshi an immense storehouse of wealth which he generously shared with his relatives. Pratap Singh Kairon was a man of action *par excellence* and endeared himself to Nehru by keeping Punjab safe for the Congress, though he did so by unbridled strong arm methods. His family was not poor, but thanks to his position as Chief Minister, it succeeded in rising to incredible heights of affluence.²⁶

Far from playing the role of prosecutor, Nehru in many cases became the protector of his self-seeking colleagues and comrades. Walter Crocker has recorded that in his last years, the Prime Minister could do no more than move from one crisis to another. The demands on Nehru's time, says this friend of India, had much to do with "his supporting, or conniving at, Ministers who were notoriously corrupt and at times got near to gangsterism".²⁷ The distinguished economist, Professor Gunnar Myrdal, also makes adverse comments on Nehru's indifference to this grave social evil which reduced all plans for progress to a chimera. The Professor writes: "Nehru's practical conclusion, that he should not use his tremendous personal authority and the angry popular outcry for taking radical measures against the spread of corruption in high places, probably belong to one of his serious mistakes, as many of his friends told him".²⁸ The late Dr. K. N. Katju, Union Home Minister and Chief Minister of a big State, lamented that there was "no condemnation of corruption" and that "bribe-takers are looked upon as worthy, respectable and even honoured members of the community".

We may conclude this unsavoury discussion by recalling the observations of an expert body. It says: "There is a widespread impression that failure of integrity is not uncommon among Ministers and that some Ministers who have held office during the last 16 years have enriched themselves illegitimately, obtained good

²⁶ *Ministers' Misconduct* by A. G. Noorani, Vikas, 1973. This is a carefully documented and competently written study of corruption in high places.

²⁷ *Nehru: A Contemporary's Estimate* by Walter Crocker, p. 72.

²⁸ *The Challenge of World Poverty* by Gunnar Myrdal, Penguin 1972, p. 237.

jobs for their sons and relations through nepotism, and have reaped other advantages inconsistent with any notion of purity in public life. The general belief about failure of integrity amongst Ministers is as damaging as actual failure".²⁹

It would, of course, be wrong to dismiss the five-year plans as utter failures. Immense sums of money, totalling tens of thousands of crores of rupees have been sunk into the economy which has yielded sizable results. New dams, power and irrigation projects, steel plants and engineering works have undoubtedly broken the crust of the country's traditional economy and have helped it to become more and more self-reliant in its domestic requirements. The facilities of education have reached a larger number of people than even before. Improved health services have contributed to longevity, the expectation of life in the country having risen from 30 years in 1950-51 to 52.5 years in 1970-71. The impetus to technology and scientific research has also produced tangible results. The successful nuclear explosion in the country on May 18, 1974 should undoubtedly be attributed to the sagacity and vision of Nehru who brought the Atomic Energy Commission into existence. He knew that the atom could be harnessed to the constructive purpose of accelerating and diversifying the growth of the economy.

Even so, the fruits of planning have not gone to the common man but to unscrupulous power-seekers and money-makers. Preference to large and showy capital-intensive projects, the relegation of agriculture and small rural-based enterprises to a secondary place, the rapid expansion of the public sector without the necessary safeguards for ensuring its efficient working and an hostile attitude towards free enterprise, based on ideological prejudices, are some of the factors which have made Indian planning ineffective. Nehru's solicitude for the masses was undoubted, but, being high-born, he could never know the mind of the poor. Besides, the Planning Commission was dominated by politicians whose metropolitan mentality and inadequate knowledge of economics made a realistic appraisal of the country's needs almost impossible. The Prime Minister's certitude about the soundness of his own economic views and the absence of dissent and plain-speaking during the

²⁹ *Report of the Committee on Prevention of Corruption*, Ministry of Home Affairs, Government of India, p. 101.

formulation of the five-year plans were an additional deterrent to the adoption of correct criteria in planning. Many of his colleagues on the Planning Commission took up his ideas, irrespective of their tenebility or otherwise, "with the servility of lackeys".

Within five years of his assumption of the Premiership, Nehru realised that his stewardship of the country was not proceeding on right lines. In March 1953, he invited his former comrade in the national movement for independence, Jayaprakash Narayan, to give him a plan for improving the situation. Jayaprakash Narayan understood the importance of his undertaking. After consulting Acharyas Narendra Dev and J. B. Kripalani and many other knowledgeable persons, he drew up a fourteen-point programme for socialist action and submitted it to the Prime Minister. Nothing, however, came out of this project beyond the production of a bunch of scintillating sentences by way of the Prime Minister's reply to the Socialist leader. He wrote: "I have a sensation of basic, dynamic changes taking place in the world which are really affecting human life in every respect. Mostly those result from the pace of technological advance. I have a feeling that all of us are apt to be left behind in our thinking by these changes". He agreed that there was a drift in the national affairs and admitted that he himself was "groping forward step by step even though the goal may be clear". He dismissed Jayaprakash Narayan's scheme by saying "We have to grow into things, not to bring them about artificially".³⁰

Nehru's reply was an eloquent essay on the doctrine of gradualness and yet he wanted the country to move forward by forced marches! How the two conflicting ideals could be reconciled he alone knew. Words, more than action, meant a good deal to him. Patwardhan says that they had the same fascination for him as *mantras* are for Brahmins! In her letter of November 8, 1969, addressed to her partymen, Mrs. Gandhi made the astounding charge that a certain group in the Congress "constantly tried to frustrate my father's attempt to bring about far-reaching economic and social changes". Frankly, her accusation is stranger than fiction. Her father failed because realism was not his forte and because he strongly believed that his personality could accom-

³⁰ Pandit Jawaharlal Nehru: *The Ecstasy and the Agony* by P. H. Patwardhan, pp. 61-63.

plish everything.

Walter Crocker's book on her father is both appreciative and critical, as all truthful accounts should be. This is what Crocker says: "It is hard to escape the fear that the main achievement of Nehru's economic and social policy will turn out to be social disruption". India under his leadership "acquired some of the essential ingredients of the classical prescription for Communism".³¹ Rao Saheb Patwardan was a distinguished Congressman who could have easily become a Minister if he wanted but he spurned with contempt the fishes and loaves of office as a reward for his devoted services to his motherland. He thought that Nehru was largely responsible for the chaotic conditions in the country.³²

Nehru had a keen sense of history but he learnt few lessons from it. He took upon himself a volume of work which no human being could sustain with any degree of efficiency. He was Prime Minister, Minister for External Affairs, Chairman of the Planning Commission, President of the Indian National Congress for a number of years and a much sought after leader of the country. It is small wonder that he could only bear these crushing burdens with indifferent success. If he had given some attention to British history, he would have learnt what A. J. Balfour, who had personal knowledge of the demands of the Premiership, said when Lord Salisbury wanted to combine the office of Prime Minister and Foreign Secretary. Writing to the Chief Whip on October 18, 1900, Balfour suggested that the Queen should not agree to such an arrangement.³³

Again, Nehru could never learn the art of delegation so that he wasted much of his time in attending to even trivial administrative matters. Sri Prakasa, who had been his close friend from 1917, said that he had the serious failing of doing everything himself. Though acclaimed by Poet Tagore as Rituraj or one endowed with perpetual youth, Nehru's energies were thoroughly depleted in the last years of his life. The idea of retirement never occurred to him and suggestions to that effect were dismissed by him with the remark "it will be a seven day's wonder". And yet his daughter claimed that he was a saint who had strayed into

³¹ *Nehru: A Contemporary's Estimate* by Walter Crocker, p. 78.

³² *Pandit Jawaharlal Nehru: The Ecstasy and the Agony* by P. H. Patwardhan, p. 61.

³³ *Arthur Balfour* by Kenneth Young, G. Bell, 1963, p. 191.

politics!³⁴ Withdrawal from public life in good time is an essential attribute of wise leadership. Did not the great German thinker Goethe, say: *In der Begrenzung zeit sich der Meister*, that is, genius is knowing where to stop? Nehru was not gifted with such genius.

Nehru was a Titan and a critical assessment of his achievements is a better tribute to him than fulsome praise. He saved free India from the perils of dissolution and introduced her to modernism. This is an outstanding service for which his name will live. It would be both dishonest and unhistorical to say that he and his administration were perfect. Had it been so, seventeen years of unchallenged leadership by him ought to have made the country prosperous. On the contrary, we find it qualifying for the humiliating title, as the sickman of Asia.

We must learn from the British and other politically-mature nations how to treat great men. Churchill was a man of gigantic stature. His countrymen admired him but they never smothered him or his memory with superlative praise. Churchill, says a writer, was autocratic, moody, interfering, capricious, petulant, obsessive and intolerant. And yet it needed someone like him to take on Hitler and Stalin. According to his latest biographer, Ronald Lewin, "throughout his memoirs Churchill constantly and unscrupulously employed the dubious arts of *suggestio falsi* and *suppressio veri*". Lewin has not hesitated to show the great man's warts and indeed to display him "at his infantile worst". He is, however, cruel only to be kind to his subject, for whom he has genuine admiration. Calling attention to the various aspects of his superb wartime leadership, the author says that Churchill's achievement in keeping Britain united during the worst crisis in her history has not been equalled by any other British statesman.³⁵

Lord Moran, Churchill's physician and biographer, is equally critical of the statesman. Churchill, according to him, was not a soldier of genius nor was he a born administrator. He was certainly not a modern Joan of Arc, "exalted and inspired by voices from God". But he was endowed with an extraordinary power of concentration. He had certainly other virtues but his faults

³⁴ Mrs. Gandhi's speech at a public meeting in Patiala on March 23, 1973. (*The Indian Express*, March 24, 1973, p. 9.)

³⁵ *Churchill as Warlord* by Ronald Lewin, reviewed by Nicholas Bethell in *The Times*, London, dated February 7, 1974.

were also many. Clement Attlee, who served as his Deputy during the war years, summed him up thus: "Fifty per cent of Winston is genius, fifty per cent bloody fool. He will behave like a child". Lord Waverley, equally close to the great man, went further and said: "Some one must hold his hand or he will blunder".³⁶ It is India's misfortune that there was none to hold Nehru's hand.

(ii) *Mrs. Gandhi*

The rise of Mrs. Indira Gandhi to supreme power is one of the wonders of contemporary Indian history. It is doubtful whether she cherished the ambition of becoming the Prime Minister barely a decade ago. But her father was determined to make her a luminous star on the Indian political firmament. During the best part of her life she was content to be the shadow of her parent who found in her, his only child, the sole object of his domestic happiness. He brought her into the mainstream of national politics by first inducting her into the Congress executive and then making her the President of the party in 1959 by rejecting S. Nijalingappa's right to gain that position. It is ironical that the great split in the party in July 1969 came exactly one decade after Nijalingappa's supersession.

Before she achieved this distinction, Mrs. Gandhi was the recipient of her parental patronage in many other ways. He brought her into the limelight wherever he went in India and abroad. She in her turn showed exemplary filial devotion to her illustrious father who made it a practice to ensure her presence whenever he invited foreign dignitaries to his residence for lunch or dinner. Many believe that he aimed at winning the Indian Premiership for his daughter in succession to him. His senior colleagues doubted her adequacy for any responsible position but they were snubbed into silence. When Pandit Gobind Ballabh Pant called his attention to her indifferent health, he was promptly silenced with the remark that there was nothing wrong with it.

Durga Das, the distinguished journalist who died in May 1974, drew attention to these facts in his widely-read book. With re-

³⁶ *Winston Churchill: The Struggle for Survival, 1940-65*, taken from the diaries of Lord Moran, Constable, 1966, pp. 774-77.

markable prescience, he had written in *The Hindustan Times* as far back as June 18, 1957, nearly seven years before Nehru's death that the Prime Minister was deliberately building up his daughter. He recorded that both Pandit Pant and Maulana Abul Kalam Azad agreed with him.¹ Kuldip Nayar, another eminent journalist and author of many popular publications, lends support to this belief by quoting Lal Bahadur Shastri. He writes: "I ventured to ask Shastri at that time: 'Who do you think Nehru has in mind as his successor?' 'His daughter', Shastri said, without even a second's delay".²

Nehru and some of his colleagues in the Congress believed that the growing chaotic conditions in the country could be overcome by reshuffling the Union and States' ministries, as if scraping is a remedy for rashes! What is known as the Kamaraj Plan of August 1963 was put into operation to achieve this end. The Plan envisaged the withdrawal of a number of Central and State ministers from the Government in order that they might work for the revitalization of the ruling party. The role of Gandhian evangelists going from village to village to preach the doctrine of non-violence and of disinterested service was relished by few. A leading Congressman, N. V. Gadgil, known for his capacity for disconcerting frankness, dismissed the whole move as absurd. He said that it was idle to expect the quality of the goods to improve by merely changing the weights and measures. Surely, you cannot make silk purses out of a sow's ears!

When Nehru, who was to die within the next nine months, expressed a desire to retire, a wave of consternation spread among his courtiers who beseeched him to lead the country till his last days. He was given a blank cheque to do what he liked with the other ministers. He used this opportunity to send into the political wilderness all those whose claims to succeed him were strong. Many men, who could have given a good account of themselves in the Government, were thrown out. Morarji Desai, a leading contender to the Premiership after Nehru, complained that the Kamaraj Plan was devised to eliminate persons like him from the Government to make the path clear for Mrs. Gandhi. "Many others", writes Kuldip Nayar, "echoed the same thought".

¹ *India from Curzon to Nehru and After* by Durga Das, p. 370.

² *Between the Lines* by Kuldip Nayar, Allied Publications, 1969.

but never in public because of the fear of Nehru. Even today Desai and Jagjivan Ram make no secret that Nehru's real purpose was to drop them from the Cabinet".³

How Nehru would have brought about his daughter's succession, so unusual and nearly impossible in a democracy, would have been known if he had not died suddenly on May 27, 1964. When he held a press conference on May 22, he had evidently no premonition that his end was so near. In fact, he told a journalist that he hoped to function for quite some time. In any case, his successor, Lal Bahadur Shastri's death on January 11, 1966 paved the way for Mrs. Gandhi's assumption of supreme power in the country.

There is good reason to believe that Mrs. Gandhi did not enter her new office full of confidence that she would succeed where her father, whom she worshipped, had failed. She had been given a minor place in the Shastri ministry and when she desired to be moved to a more responsible position, the new Prime Minister was reluctant to concede her request. She had little respect for Lal Bahadur Shastri or his Government.⁴

Mrs. Gandhi's interview to a British journalist, which was published in March 1966, vividly portrays the state of her mind when she assumed her new responsibilities. Paulana James, who interviewed her for *The Daily Mirror* of London, wrote: "She (Mrs. Gandhi) spoke with far away eyes, yearning to be an ordinary housewife. . . . 'Not that I want to get married again. Definitely not. But I would like to lead a quiet, very private life. At least, I think, I would, though I suppose I would get bored' ". Of her task as Prime Minister, she was quoted as saying that the 'job' was a burden, but "somehow I don't mind for myself. If it goes well for India, I feel elation. If not, sadness".⁵ This is not the language of a confident person but of one who has stumbled upon a windfall.

Mrs. Gandhi's selection, while it surprised many thinking

³ Ibid p. 5. Durga Das wrote: "Nehru liquidated every politician, Morarji Desai in particular, who he felt might destroy the Nehru legend. He knew India was still feudal and needed to identify itself with a leader and a family". (Emphasis mine) (*India From Curzon to Nehru and After*, p. 383).

⁴ *Between the Lines*, p. 14.

⁵ *The Evening News of India*, Bombay, March 22, 1966, p. 1.

persons, was applauded by those close to her. "We Nehrus", declared Mrs. Vijayalakshmi Pandit, her aunt, "are very proud of our family. When a Nehru is chosen as Prime Minister, the people will rejoice". Such assertions are certainly not a model of humility and sound strangely in a democracy. Evidently, Mrs. Pandit has had ample time to realise the untenability of her claim. Presiding over the Sardar Patel birthday celebrations on October 31, 1974, she felt called upon to exhort her countrymen to vote the government led by her niece out of power.

Commenting on Mrs. Gandhi's surprising elevation, the influential financial weekly of Calcutta, *Capital*, described her as "colourless but high-born". It wondered editorially what outstanding personal and political talent she possessed to entitle her to national leadership. Many of those who voted for her Premiership might not have been "particularly lavish in their admiration for the quiet work which earned her the galaxy of qualifications, to be elected as the head of the world's most populous democracy". That ruthless political iconoclast, Dr. Ram Manohar Lohia, who called Mrs. Gandhi a "dumb doll", which she probably was in the days of her father, "believed that the Nehru family's identification with the nation was not only undemocratic but harmful".⁶

Mrs. Gandhi is also proud of her lineage and makes no secret of it. She has often used it as a trump card to ensure her continued ascendancy in the affairs of an illiterate and hero-worshipping country. This, however, is not a serious blemish, for the major pre-occupation of a politician is pursuit of power, irrespective of considerations of right and wrong. So, what is relevant today is not whether her credentials to be elevated to the highest political office were sound, but whether she has been able to make a statesmanlike use of it for national good. She has been the Prime Minister for nine years. In the life of a country, this certainly is a short period, but as a term of office it is long enough to warrant the expectation of some positive results. She inherited the most difficult task from her father. Nothing of any importance was going well in his time. The country's foreign policy was discredited, the five-year economic plans were only adding to the misery of the common man, the quarrels among the partymen had reached new heights of un-

⁶ *India From Curzon to Nehru and After* by Durga Das, p. 373.

reason and new fanaticisms, communal, regional, linguistic and many others, were threatening to disrupt the unity of the country. That was the state of India when what is known as the Nehru era ended. What is the image of the country today? An honest reply to this question is a true verdict on the Premiership of Mrs. Gandhi.

The policies and programmes of Mrs. Gandhi's government are based on the conviction that Nehru's Premiership was exemplary. The limitations of his foreign policy, as exemplified by India's disastrous conflict with China in 1962, are overlooked. Neutralism or non-alignment, which has in any case become a fiction after the Indo-Soviet agreement of August 1971, is believed to provide evidence of great maturity in the conduct of India's foreign relations. There is, of course, nothing to substantiate this claim. India's discomfiture at the Islamic Summit Conference, convened in the Moroccan capital of Rabat in September 1969, was complete. The Indian delegation, which was led by the present President of the country, then a Union Cabinet minister, found the door of the conference slammed against it. Commenting on the episode, M. C. Chagla asked: "What have we got to do with the summit? It is a purely religious and communal conference to which Muslim countries have been invited". He further said: "We begged and canvassed for an invitation and when rather a belated invitation came we made a dash for Rabat".

India's humiliation was overwhelming. At the conclusion of the Conference, King Hassan of Morocco complained of the fictitious persecution of his co-religionists in this country. "May God", he prayed, "protect the Muslims in India where they are suffering and are persecuted".¹ Knowingly or unknowingly, His Majesty was giving credence to a canard. In the following month, on October 2, the Indian Foreign Minister told the United Nations Assembly that his Muslim fellow-countrymen were multiplying fast. Their number rose from 35.40 million in 1951 to 60 million in 1969. In striking contrast, the numerical strength of the minorities in Pakistan, the favourite of the Conference, was fast declining. The Rabat "slap" furnishes a telling example of how India's foreign policy has still to emerge from its swad-

¹ *The Indian Express*, September 26, 27, 1969.

dling clothes.

The outcome of the Indo-Pakistan war of December 1971 is claimed to vindicate that policy. It is also acclaimed as a personal triumph for the Prime Minister. Let the facts speak for themselves. Since India's partition in 1947, Pakistan has sworn implacable hostility to this country. Its first war lord, the late Ayub Khan, declared with disarming candour that "War with India would be a national war in every sense of the word".³ His successor, Yahya Khan, was even more bellicose. He committed the monumental folly of provoking a national revolt in East Bengal, then a part of his country.

India was forced to bear the brunt of the reign of terror unleashed by the Pakistani military regime in that province. Ten million terror-stricken East Bengalis fled their homes and took refuge in India, thus imposing an intolerable financial burden on her, as she had to give food and shelter to them. The strategy of terrorization was well-planned, the aim being not only to intimidate the civilian population of the province into submission, but also to hasten the collapse of the Indian economy. Thousands of saboteurs and spies disguised as refugees penetrated into the Indian territory to collect military secrets, to destroy important installations and to disrupt the transport and communication system. A further goal of the nefarious plot was to provoke a communal holocaust in this country.

India's attempts to rouse international opinion against Pakistan's hostile attitude towards her bore no tangible results, thus furnishing further evidence that her foreign policy was by no means a great success. This country's major concern was to ensure that the refugees returned to their homes and lived in safety there. To gain support to this end, Mrs. Gandhi went in October on a three-week tour of seven western countries. She received a surfeit of sympathy but no support. The Gordian knot was, however, cut by Yahya Khan himself. On December 3, 1971, he ordered a pre-emptive airstrike on Indian airfields in imitation of Israeli *blitzkrieg* against Egypt in 1967, without realising that India had fully forestalled his treacherous intentions.

The Pakistani rulers had learned no lesson from the beating

³*Friends Not Masters: A Political Autobiography* by Mohammed Ayub Khan, President of Pakistan, Oxford, 1967, p. 47.

their armed forces had received from India in the 1965 war. Nor did they realise that the Indian defence services were in a much better shape in December 1971. The war lasted for barely fourteen days but it proved decisive. It resulted not only in the Pakistani military machine receiving a shattering blow but also in the amputation of that country. The long-oppressed East Bengal threw off the hated yoke of the tyrants from West Pakistan and achieved independent nationhood under the name of Bangladesh.

On December 16, the fighting in East Bengal ended following the surrender of the Pakistani forces there. It paved the way for the return of the refugees to their homeland. Since India's sole object was to ensure this result, prosecution of the war in the western theatre became wholly unnecessary. Surely, it was not India's intention to make a short meal of what remained of Pakistan. Nor would the task of destroying it been simple. The brief war had cost India much more than the earlier conflicts with her neighbour. While in the 1965 war the number of Indian lives lost was 1,333, the casualties in the December 1971 war were 2,307 dead, 2,163 missing and 6,163 wounded.

The fact that Pakistan's losses were heavier was no justification for continuing the fighting when the goal had been gained. Public opinion, and more especially the families of the armed forces, would not have agreed to any useless slaughter of young and precious lives and to the destruction of costly military equipment. Besides, the skill and courage with which the armed forces fought thoroughly wiped out the undeserved disgrace of 1962. In halting the war on December 16, the Prime Minister, therefore, acted under certain compulsions which it was impossible for her or her government to ignore. It would indeed be the height of unreason to play down, directly or indirectly, the great achievements of the armed forces and to transfer the laurels of victory to political leadership.

India certainly deserved congratulations on the outcome of the December 1971 war, but the superlative praise with which she was smothered by some world statesmen as an emerging Big Power was undeserved. No country tormented by hunger can aspire to greatness. In any case, the American official policy towards India underwent no change even after these momentous happenings. In fact, President Nixon showed marked hostility to-

wards her during the war by forgetting that one of his predecessors, President Kennedy, had offered to make her the arsenal of democracy in the East with American assistance. The offer came to nothing because of Nehru's indifference. The two countries have almost always stood at opposite ends on nearly every major international issue and yet American assistance to this country till April 1971 totalled the gigantic figure of Rs. 7,422 crores. Like her father, Mrs. Gandhi is unable to come closer to the western democracies although this country owes much to them.

The passage of years has not helped to improve India's image abroad. The explosion of an underground nuclear device by her scientists on May 18, 1974 produced a chorus of protest by many important countries. The pride of some of them was hurt at the thought that a poor and economically-dependent country should have ventured to gatecrash into the exclusive nuclear club of the five nations. The outburst of Z. A. Bhutto, Prime Minister of Pakistan, against India's scientific achievement by characterising it as "blackmail" is understandable, but the fulminations of some of the western statesmen and the western press are not.

On May 20, the *New York Times* cried editorially that India was wilfully wasting her "great talent and resources" on the "vanities of power" when her people were slipping "deeper into poverty"! The sixth member of the nuclear club the paper wrote insultingly, "may be passing the begging bowl before the year is out because Indian science and technology so far have failed to solve the country's fundamental problems of food and population". *The Times* of London felt special sadness about India's achievement as she had "always claimed to speak with special authority on the subject of non-violence, non-alignment and peace".

The fact that the Prime Minister had stated as far back as August 1970 that India did not rule out nuclear explosion was ignored. Nor were the critics prepared to be mollified when it was announced that the May nuclear experiment had cost only Rs. 30 lakhs. The feeling had been gained both in India and abroad that the main purpose of the explosion was, to quote *The Times*, "to rally support for an ailing government and to divert attention from the problems that it has failed to solve".

In the light of these facts, it is idle to claim success for the country's foreign policy.

India's humiliation abroad is the inevitable outcome of her domestic distractions. She has long been a poor land but since the last decade her poverty has attained phenomenal proportions. Today she belongs to the group of the six poorest countries in the world. Unbridled inflation is driving her rapidly-multiplying masses into deeper penury and distress. Whoever may have benefited from the five-year economic plans, the common man is not among the beneficiaries. Except the first plan, covering the period 1951-56, all the subsequent ones have run into serious trouble. In fact, from 1957, the economy, due to its tardy expansion, has been behind the targets. The confident hope that the third plan period, 1961-66, would witness an accelerated growth proved illusory. The estimated annual growth rate of 5 per cent was not realised. Instead, it was barely 3 per cent while the population increased at more than 2 per cent.

The fact that no fourth plan could be formulated at the end of the third one proved that the ruling party's economic policies and programmes had no relation whatever to the realities of the Indian conditions. Crash programmes and ad hoc schemes to deal with intractable problems like poverty and unemployment were bound to result in disappointment and resentment. Great expectations had been raised in the minds of the masses about their early deliverance from want and suffering, but the incompetence and selfishness of the rulers made their realisation utopian. *Garibi hatao* remained a mere slogan.

The belatedly formulated fourth plan was put into operation in 1969 in the hope that the annual growth rate during the five-year period would be 5.7 per cent, but the actual achievement of the economy was much less. Nobody takes the fifth plan seriously. The economy has now been caught in the blizzard of inflation and there is none at the helm to take the stricken ship to the haven of safety. The sad fact, says Dr. B. S. Minhas, former member of the Planning Commission and an eminent economist, is that the fifth plan "really does not exist". He dismisses all talk of self-reliance as "double talk and double-think" and holds that neither half-measures nor adherence to discredited policies can solve the national problem.

The Indian economy is stricken with a congeries of diseases

and it is a mere illusion to expect that it can be restored to health under the present dispensation. Corruption, black marketing, smuggling, and inflation make any such recovery impossible. Corruption had come of age even in Nehru's time although he resented any reference to it. His personal integrity was beyond question, but doubts were cast about his impartiality. As Crocker says, Nehru did not take the booty himself. "The fact", writes this foreign friend of India, "that a number of his relations, and, still more, Kashmiri Brahmins, were given high office might be due in part to some ineradicable deposit of Indian feeling about family and caste lingering on in Nehru, but it would be due mostly to his belief that they had superior ability".⁹ Such weakness was perhaps not in the fitness of things where a man of Nehru's eminence was concerned, but it was not moral turpitude.

It is unfortunate that such high tribute is not paid to Mrs. Gandhi. *The Economist* of London often makes a frank appraisal of both her achievements and failures. Under the caption 'The Dimming Halo', it wrote: "A more damaging charge that has caused mutterings even among loyal Congress members of parliament is that Mrs. Gandhi showed blatant nepotism in granting a licence to her son, Sanjay, for the manufacture of a small car, a project which the planning commission had rejected more than once both as unnecessary and undesirable".¹⁰ She is often attacked on the floor of Parliament and outside, associating her name with the collection of large sums of unaccounted money for the ruling party to fight the elections. The late Frank Moraes, Editor-in-Chief of *The Indian Express*, was most forthright in his criticism of the Prime Minister for her involvement in such transactions.¹¹

Corruption and malpractices are like a fatal worm in the bud. They have become a way of life in this country. Like its cousin corruption, the evil of black money has become all-pervasive so that there are few transactions which do not have the black and the white side. Not only the greedy Bania, but even those of the legal, medical and engineering professions have re-

⁹ *Nehru: A Contemporary's Estimate* by Walter Crocker, pp. 142-43.

¹⁰ *The Economist*, May 19, 1973.

¹¹ *Without Fear or Favour: A Collection of Articles* by Frank Moraes edited by R. C. Cooper, Vikas, p. 64. Moraes wrote these articles in *The Indian Express*.

course to this malpractice without regret or remorse. The size of the black money, which is a stimulant to inflation and a cause of the rupee's debasement, has been variously estimated, the figure most commonly mentioned being Rs. 2,000 crores. This staggeringly large unaccounted accumulation is growing continually since the number of the votaries of mammon is also increasing.

"Over the years", says an expert body, "the parallel economy has grown in size and dimensions. Almost every sign of distress and human misery would appear to have been manipulated by anti-social elements to boost the parallel economy". It points out that tax evaders and makers of black money have taken advantage of planning to fleece the people—not a fine tribute to the framers of the economic plans! The same authority draws a frightening picture of the consequences of allowing these evils to flourish. It says that tax evasion and black money "have now reached a stage which can only be described as a menace to the economy and a challenge to the fulfilment of the avowed objectives of distributive justice and setting up of an egalitarian society".¹² Warnings like these fall on deaf ears because the authorities that can fight the evil have a vested interest in its perpetuation. In these circumstances, the drive against black money and tax evasion can only be half-hearted and is undertaken from time to time merely to deceive the public.

The potency of smuggling to disrupt the economic life and morale of a country is as great as that of black money. It promotes corruption, gangsterism and many other sinister evils of equal magnitude. An ancient enemy of man, smuggling has assumed unmanageable dimensions in India for some years past. The volume of unauthorised goods entering the country has been variously estimated. In 1973, the Union Minister for Revenue and Expenditure put their annual value at Rs. 1,000 crores. Considering the vastness of the Indian coastline, the immensity of the resources at the command of the smugglers and the extent of venality prevalent among the members of the enforcement staff, the value of the smuggled goods must be much higher. A

¹² *Direct Taxes Enquiry Committee*, Final Report, December 1971, pp. 4, 5.

Swatantra leader, who has been courageously waging a relentless war against smuggling and the Government's apathy towards it, said in September 1974 that in Bombay alone smuggled goods worth Rs. 3 crores were being sold every day. According to another source, about 600 kg. of silver was being secretly taken out of the country every day to finance this gigantic racket.

The question which all right-thinking persons ask is why did the Government delay action against the smugglers till the last quarter of 1974 when it knew that their operations, conducted on such an immense scale and almost in the open, were ruinous to the moral and material well-being of the country? The answer is that, besides the enforcement staff, a number of politicians, some of them senior ministers, were deeply involved in these nefarious activities.

Speaking at the inaugural function of the ninth annual conference of the All-India Customs Preventive Services Federation and the silver jubilee of the Bombay Customs Preventive Service Association on April 8, 1973, the Union Minister for Revenue and Expenditure made this astounding revelation: "We know who are the big bosses behind the wide network of smuggling. Their names are in our records. But the situation is such that we cannot arrest them". He pointed out that the wealthy villains had gained control over the "commanding heights of Bombay city."

The minister's speech astonished most people not only for the revelations it contained but also for the admission of the Government's inability to grapple with the rampant evil. It strengthened the resolution of the public-spirited men to fight it at all costs. The Swatantra leader mentioned above declared in March 1974 that he would mobilise an army of 15,000 volunteers to undertake this urgent national task. He also threatened to disclose the names of the chief smugglers if the Government failed to proceed against them. Since large-scale smuggling gravely affects domestic production, trade and industry also urged the authorities to take action against it. During the debate in the Lok Sabha on August 22, 1974, a former Education Minister, who is a leading economist, expressed his dismay at the helplessness of the Government in dealing with the menace firmly. The outcry against smuggling and the smugglers was so loud and persistent that it was no longer possible for the Government to

ignore it. The growing disarray in the national economy, due not a little to the unbridled smuggling operations, forced the authorities to undertake what was to them the most unpleasant task of rounding up the chief smugglers and to detain them under the provisions of the Maintenance of Internal Security Act.

The life-story of some of the arrested smugglers and the revelations made by them make one dumbfounded. Haji Mastan and Sukur Naran Bakhia are the field marshals of the vast subterranean army of smugglers. The former began his career as a dock worker and the latter as a fisherman. Both are illiterate but both could amass wealth that would have driven even Croesus crazy with envy. Both have found smuggling the most rewarding "business". Mastan declared with disarming frankness: "You earn lakhs but the money must be shared with the Government officials from the lowest to the highest cadre. This is the reason why this business is flourishing in India."

He further said: "I know many political beggars who shower abuse on me in the light of the day and call me the vilest names but come with a begging-bowl to me in the darkness of the night clandestinely. They beg me to give them money for elections. At that time their faces are worth seeing and the facade of their moral loftiness, gentlemanliness and honesty is shattered. I smile at their cunningness in the heart of my heart after filling their bowls with alms. Among those who come to me in the dark, there are some big leaders and respected elders and there will be a political explosion if I reveal their names. They include Congressmen, Communists, Socialists and Muslim Leaguers. Some people fight and win elections at my expense and become Ministers. But they start abusing me the very next day in order to make a show of their gentlemanliness and integrity to the world". Mastan went on to say: "This is a country where everything including the honesty and conscience of not only civil servants but even ministers can be purchased". He was convinced that the Government was not at all serious about combating smuggling and blackmarketing. "They make only empty promises", he said with absolute finality. He claimed that he had donated Rs. 3 crores to the Congress party but complained that a good deal of it disappeared into private pockets! (*The Illustrated Weekly of India*, October 6, 1974 and *Opinion*, September 10, 1974). What future can a country have if it harbours such grave

iniquities with the active connivance of its rulers?

Myriads of maggots are thus hungrily eating into the vitals of the national economy which is further weakened by inflation. Price-rise has been a familiar phenomenon in this country since independence, but it has acquired alarming dimensions since May 1972. At an annual increase of 36 per cent in prices, the rate of inflation in this country of many hungers is the highest in the world. It is true that other countries are also faced with the problem of inflation, but thanks to the resilience of their economies, it has imposed no great hardship on their peoples. Besides, the decade that preceded the advent of inflation was marked by prosperity in many of those countries.~ For instance, the annual growth rate in Japan was 10 per cent while it was 6 per cent in America. As we saw earlier, the Indian economy has remained stubbornly sluggish for nearly two decades.

While advanced nations can take inflation in their stride, a poverty-stricken country like India cannot. Dr. Minhas holds that the number of Indians below the poverty line "may well be nearer two-thirds rather than the estimated two-fifths for 1967-68". Even in times of price stability an overwhelming majority of people in this country are condemned to semi-starvation. Their plight in a period of unprecedented shortages and rampant inflation can, therefore, be easily imagined. Even those who were above want barely a few years ago have been remorselessly drawn into the vortex of penury and distress.

Inflation is not a natural calamity, but its ravages on a country's economy and on the lives of the vulnerable sections of the community are as frightening as cosmic disorders. Professor Galbraith has described inflation as the counterpart of war, civil disorder, famine and convulsions of nature. A German economist, Dr. Etzel, says: "Inflation is always guilt, never fate; it is a social crime". A government that cannot control this crime is self-condemned. The Indian government's awareness of this growing menace has merely resulted in the adoption of a series of half-measures which are worse than useless. The insidious effect of inflation on the bodies and minds of millions of Indians is well-known. And yet the Prime Minister wants them to bear the cross, not for some time longer but for years!

Speaking in Parliament on July 25, 1974, Mrs. Gandhi admonished the Opposition not to 'undermine the morale of the

suffering people by calling attention to their travails. She said: "Let us not weaken the people's will and determination to face the tremendous challenge on the economic front by painting a gloomy picture". It is not clear what else the picture could be. A few weeks earlier, she had asked the people to bear their privations with a "new psychology of confidence". How a starving humanity in the penultimate stage of bodily dissolution can have any courage or confidence in facing a bleak future is a riddle which only the initiated can unravel.

So much for the ruling party's heroic efforts to make the people less poor and more equal. Its achievements in other directions have been equally sterile. The split of 1969 did not succeed in making the Congress a well-knit and disciplined party. In-fighting among its members has, if anything, vastly increased since then. As far back as 1937 Mahatma Gandhi had expressed his doubts whether Congressmen would be true to their pledges to serve the country honestly when they accepted the responsibilities of government. His fears came true soon after national independence. The faction fighting in the party, often waged in full public gaze, is in reality a struggle for power. The evil had taken firm root even in the days of Nehru who, in spite of his masterful personality, was powerless to combat it. His own home state, Uttar Pradesh, was afflicted with this disease. From the time Pandit Gobind Ballabh Pant, who had held the office of Chief Minister with much distinction till 1955, migrated to New Delhi to join the Nehru cabinet, the affairs of that state have been in a melting pot. Nehru's own differences with Purshottamdas Tandon, Congress President, played no small part in convulsing the politics not only of Uttar Pradesh but also of the whole of India.

Internal fissures in the party have deepened since the advent of Mrs. Gandhi to power. Unable to compose their difference among themselves, her party men have made it a habit of rushing to her for guidance and decision. Since most of the states are controlled by the Congress and since the system of parliamentary government has been twisted out of shape under one-party domination, no distinction between government and party exists in this country. The state governments cannot stand on their own legs and helplessly look up to Central leadership even in matters that belong to their exclusive jurisdiction, thereby

gravely undermining the autonomy of their states. Prime Ministerial nomination of Chief Ministers, besides being a negation of democratic principles, tends to intensify group rivalries in the ruling party making divisions in it more severe and permanent. In such a situation, the government's obligations to the people are utterly forgotten.

Two recent happenings are recalled here in support of this charge. Gujarat is the home state of Mahatma Gandhi and Sardar Patel, the one an exemplar of rectitudinous behaviour and the other a man of stern discipline. Like their party men in the rest of the country, the generality of Congressmen in Gujarat have no use for these virtues. They are power-hungry, slippery and unscrupulous. It is not without significance that no Chief Minister of that State has so far been able to complete the full five-year term of his office. The March 1974 agitation in the state was directed against the spiralling prices of essential articles, including foodgrains, and against corruption which had assumed scandalous proportions both at the administrative and political level.

It was widely believed that the methods employed by Chimanbhai Patel to win the Chief Ministership in July 1973 and the subsequent behaviour of his ministry amounted to a complete subversion of the Gandhian principles. In their mad pursuit of power and wealth the rulers showed an incredible callousness to the suffering of the people and thus invited retribution. Organising themselves into what they called the Nava Nirman Yuvak Samiti, the students of the state decided to deliver the *coup d' grace* to the Patel ministry. The "indefinite" fast, undertaken by the aged Congress (O) leader, Morarji Desai, on March 11, 1974 gave a further fillip to the popular movement for a better government. Four days later the demand for the dissolution of the Legislative Assembly was met by the Centre which had by that time imposed the President's rule in the state. Coercion as a standardised remedy proved totally ineffective when ranged against strong public opinion. It is a sad commentary on Congress politics that students had to abandon their studies to teach a lesson to their unscrupulous elders.

Bihar has long been a problem state. Poverty and power politics have plunged it into deep distress. Some sixty years ago, Mahatma Gandhi expressed his amazement and sorrow at the

misery of Bihar villages. National independence has brought no relief to them because a new class of exploiters has emerged to intensify their suffering. Bihar abounds in mineral wealth and water resources and yet its disfranchised masses are weighed down by incredible poverty. "The fact is", says a perceptive writer, "that they are sustained by those intangibles which would not be considered income in normal economic terms. This includes such activities as scrounging, collecting remnants of food left over by better off people, petty pilferages, collecting leaves, cow-dung and twigs for fuel from wherever they can be obtained, fishing in small pools in rainy season, frequent punting for little rodents, including mice, and occasional begging in old age".¹³

The heart of Jayaprakash Narayan, who hails from Bihar, bleeds at the plight of its people. In July 1968, he told the Committee on Defections that unstable political conditions had deeply affected the administration of the state. Political machinations had undermined its financial stability, to the serious detriment of the well-being of the people. The permanent officials were caste-riden and regional-minded so that administrative efficiency suffered even more.¹⁴ Jayaprakash Narayan's movement of 1974, with students in the vanguard, was directed towards cleansing the Augean stables of the state government and to bring relief to the long-oppressed masses.

One may have reservations about the Sarvodaya leader's views on the role of students in politics and on a partyless democracy, but his sincerity in seeking to promote the common weal cannot be doubted. The Chief Minister's frequent references to the so-called rightist machinations during the March 1974 unrest were not taken seriously by upright persons. Corruption, high prices, scarcity of essential articles and the indifference of the rulers to the suffering of the people gave an impetus to the movement which, as in Gujarat, acquired much of its strength from student participation. The burning of the "Searchlight", an English daily, and "Pradeep" to ashes was a criminal act which

¹³ *The Internal Colony: A Study in Regional Exploitation* by Sachidanand Sinha, Sindhu Publications, 1973, p. 93.

¹⁴ *Committee on Defections: Proceedings of the Committee and Papers circulated to the Members, Government of India, Ministry of Home Affairs*, p. 18.

was believed to have been instigated by the ruling party and the Communists because of the fearless advocacy of the popular cause by these papers.

There is indeed no state in the country which is free from internal troubles. In many states parochialism has assumed the harshness of bigotry. Language riots threaten to become chronic in Assam. As far back as 1960, Pandit Pant felt constrained to describe them as a "holocaust". The Bengali-speaking people there are looked upon as interlopers. A minister in the State Cabinet openly accused his colleagues on February 25, 1973 of instigating language disturbances in the Brahmaputra Valley. He alleged that there was a "sinister" plan to suppress the non-Assamese people in the state.

The fact that regionalism can triumph even over linguistic affinity was proved by the 1969 agitation for the bifurcation of Andhra Pradesh, involving the separation of the Telangana districts from it. The conflict between the two regions lasted for many years, the students of each area taking a lead in the fratricidal fighting. Their strike in the Andhra districts lasted for 167 days and was called off in April 1973. Andhra, it must be remembered, was in the forefront in demanding the reorganisation of the states on linguistic lines.

With the growth of regionalism and of poverty and unemployment, the "sons of the soil" doctrine is gaining strength in many states. In Bombay city, a mushroom organisation calling itself Shiv Sena, has been spearheading the movement "Maharashtra for Maharashtrians". Most employers in India are caste and region-minded and, except in the case of highly-specialised appointments, practice the worst form of nepotism in their recruitment policy. Local persons are often left high and dry. In the light of these facts, the Shiv Sena's drive for a fair deal to Maharashtrians is not misconceived but its strong-arm methods and senseless attacks on the establishments of certain linguistic groups in the city have greatly weakened its cause. The Kannada Chaluvaligars of Karnataka are a counterpart of the Bombay organisation and are as prone to violence as their rivals. Despite its interdiction by the Union Government, the doctrine of the "sons of the soil", which is a negation of the concept of "one country, one people", is being practised by most of the states, including Bengal and Tamil Nadu.

The Chief Minister of Tamil Nadu makes no secret of his provincial bias. The past achievements of this state fill every patriotic heart with pride. There is, therefore, every reason that its present rulers should guard against overstepping the legitimate bounds of local pride. Perhaps the D.M.K. Government has no use for such moderation. On March 14, 1974, Karunanidhi declared that the Keralites would not be "permitted to rule anywhere in South India except in Kerala". He promised protection to the linguistic minorities in his state but advised them to "behave themselves".

As we saw in the previous section of this Chapter, the creation of linguistic states was a blunder, but nothing is being done to save the situation. A reorganisation of the states following the abolition of the principalities of the Maharajas was inevitable, but language need not have been given undue weightage. An inevitable outcome of such an arrangement was border disputes which needed to be dealt with speedily and finally. A similar approach was necessary in the settlement of the river water disputes. Unfortunately, in matters requiring masterful leadership, the Union Government has proved most ineffective. The second division of Punjab after its amputation in 1947 was an act of lunacy. The creation of two mutually-exclusive states of Punjab and Haryana, following the clamant demand of the Sikhs, has benefited none.

The Punjab Boundary Commission, presided over by Mr. Justice J.C. Shah, has recommended that the city of Chandigarh should be given to Punjab while the prosperous areas of Abohar and Fazilka should be transferred to Haryana. Since neither side is prepared to yield, there is a dangerous deadlock and much bad blood between them. The Akalis are still toying with the idea of a Sikh homeland, little appreciating the fact that two highly militarised powers, inimical to India, are its neighbours.

How the concept of a common nationality is still weak in India is illustrated by the outburst of the Chief Minister of Punjab in February 1970. He is reported to have said that he could not help if the Hindus wanted to leave the state. A deputy minister of the same state is alleged to have threatened that persons claiming Hindi as their mother tongue in the next census would be put in prison! In December, Parliament had to take notice of this irresponsible utterance. In Maharashtra, a minister

belonging to the ruling caste openly declared a few years ago his hostility to a small community because of its crime in being intellectually gifted. He is not fully satisfied with the overwhelming ascendancy established by his caste in the government and other affairs of the state on the sole ground of its numerical strength.

If the Union Government has found itself unequal to the task of resolving the differences between Punjab and Haryana, it has proved equally incompetent in settling the border dispute between Maharashtra and Karnataka. The future of the city of Belgaum is the principal bone of contention between the two states. Every expert body, invited to make recommendations for determining inter-state boundaries, has urged with remarkable unanimity that "administrative convenience, history, geography, economy, culture, and many other matters will also have to be given due weight". None of them has conceded absolute priority to language.

Both the States Reorganisation Commission, 1955, and the Mahajan Commission, 1967, saw no reason for awarding Belgaum city to Maharashtra. Earlier, by relying on the criteria unanimously upheld by the expert bodies, Parliament and the Union Government had given their decision in favour of retaining the city in Karnataka. If, following Maharashtra's persistent demand for re-opening the issue, New Delhi was convinced that there was a good case for transferring the city to that state, it ought to have taken early steps towards that end.

More than the rights and wrongs of the dispute, it is the dilatoriness on the part of the Union Government in grasping the nettle that accounts for the estrangement between the two states. No pretext is considered implausible for dodging the issue. It became clear to the meanest intelligence long ago that bilateral talks, irrespective of their number and frequency, would never produce a *modus vivendi*. The statement of the Minister of State for Home Affairs in Parliament on May 10, 1973 that the boundary question would be dealt with after the two states overcame the drought in them strengthened the widely-held belief that the Centre was only dithering.

It needed the destructive language riots of December 1973 in both states to rouse New Delhi from its torpor. It took cognisance of the dispute, not to settle it, but to make another

evasive statement! On December 13, the Union Home Minister expressed the pious hope that an amicable settlement was quite possible, although earlier meetings between the Chief Ministers of the two states had utterly belied such optimism. As anticipated, the Centre's promise that an early decision would be given has still remained unfulfilled.

The Home Minister's statement in Parliament on August 19, 1974 that a solution to the dispute would be found before the general elections in 1976 proves the Government's anxiety to mark time. How the Belgaum question is eventually settled does not matter much. Whether it remains where it is or goes to Maharashtra, it will still be in India. It is not like the islet of Kachchativu whose transfer to Sri Lanka in 1974 involved the abrogation of Indian sovereignty over it. The city is an integral part of India and will remain so, no matter which state exercises administrative jurisdiction over it.

The time-lag between now and the next elections is pretty big. One is really afraid of the politicians from both states whose capacity, as past experience conclusively proves, for stirring up trouble is unlimited. The relations between the people of North Karnataka and Maharashtra are centuries-old and are based on strong bonds of kinship. Nothing should be done to weaken these ties if the politicians sincerely believe in national unity.

It is evident from this survey that the creation of more states will only add to the Centre's distractions and to the people's misery. And yet the last word has not yet been said on the reorganisation of States. A number of recent creations are in flagrant violation of all the accepted canons of territorial demarcation. In his epoch-making essay on Nationality, Lord Acton warned that the tendency on the part of small states was "to isolate and shut off their inhabitants, to narrow the horizon of their views, and to dwarf in some degree the proportions of their ideas. Public opinion cannot maintain its liberty and purity in such small dimensions". Moreover, non-viable states became a millstone around the Centre's neck. Despite this well-known fact, a number of regions have staked their claim to separate "statehood". They are, to mention only a few, Vidarbha and Konkan, both in Maharashtra; Saurashtra and Cutch in Gujarat and the former princely state of Mysore in Karnataka. Seeing how

thoughtlessly liberal the Centre has been in such matters, it is premature to dismiss the aspirations of these areas as utopian.

To add to the country's domestic distractions, the virus of communalism is still active in the body politic. In the past, religious riots were justly blamed on the foreign rulers, but the evil persists even long after their exit. The ruling party's doctrine of secularism is a mere make-believe. Nehru was undoubtedly a great secularist, but since independence his attitude towards the Muslims was influenced by the ballot box. The Muslims are the second largest community in the country and in many states their votes are of decisive importance. The late Prime Minister, therefore, saw no enormity in striking up an electoral alliance with the Muslim League in Kerala.

There was a certain ambivalence in Nehru's attitude towards the followers of Islam. Durga Das writes thus: "Once M. C. Chagla and Ali Yavar Jung said that whereas Nehru backed progressive Muslims among the Arabs he lent his ear to conservative Muslims in India".¹⁵ His daughter is following this policy with equal single-mindedness. In September 1970, she acclaimed the Muslim League of Kerala as a non-communal organisation—a certificate which the 'national' President of the party politely rejected. She was least perturbed by the rebuff and held her ground when speaking at Kozhikode in Kerala on October 28, 1973. Political expediency is forcing her and her followers to sustain Muslim diehardism.

In 1973, a section of the Muslim community provoked much resentment by refusing to regard *Vande Mataram* as the national song. This imprudent defiance was encouraged by a Muslim Congressman who had the temerity to raise a controversy over the song. In March of that year, the Government considered it necessary to appeal to "every citizen" to "remember the historic role of the song and to show due respect to it". In Kerala, the Moplah uprising of August 1921, stimulated by the Khilafat agitation, was one of the most disgraceful chapters in the history of communal relations. Dr. Annie Besant, that great Irish lady who had made the Indian cause her own, condemned in strong language the orgies of violence that marked the riots.¹⁶ And yet

¹⁵ *India from Curzon to Nehru and After* by Durga Das, p. 384.

¹⁶ *The Future of Indian Politics* by Annie Besant, pp. 252-53.

a movement was started recently to win recognition for the perpetrators of foul crimes as patriots!

It is impossible to refute the charge that the stubborn conservatism of Muslim leadership and the Union Government's policy of placating it for political reasons are primarily responsible for the inability of the masses of that community to join the mainstream of the national life. "The Muslim League", says A. D. Gorwala, a distinguished ex-civilian, "is a name ominous to the ears of all good Indians, whatever their religion; a name reminiscent of the darkest chapters in Indian history". Recalling its disruptive role, he further writes: "It is not surprising that a shudder of horror runs through the frame of this aged Indian at the current suggestion that the Muslim League should be revived in the various states of the present India".¹⁷ But the Congressmen, whose sensibilities are hardened by self-interest, are least influenced by such patriotic considerations.

It is small wonder, therefore, that communal riots continue to plague the country. They have become far more pitiless and destructive than before. The old tendency among the Muslim extremists to throw the first stone still persists. Commenting on the serious Ahmedabad riots of 1969, Jayaprakash Narayan said on September 29 that the fighting between the two communities was the outcome of a "clash between the pro-Pakistani elements and the pro-Hindu elements". Numbering some 2½ lakhs, the Muslims of the city took out a mammoth Al Aqsa mosque procession and displayed placards with the words: "Those who clash with Islam will be wiped out".

Such bravado was both foolish and suicidal. It could only end in carnage. The poor of both the communities are the worst victims of communal frenzy. This was proved conclusively during the Poona riots in May 1973. Pakistan still serves as a galvanic needle to a large number of Indian Muslims. This has been commented upon by many expert bodies investigating the reasons for communal riots. The Commission, which studied the August 1967 riots at Ranchi and Hatia, came to the conclusion that Muslim predilections for Pakistan did not conduce to communal harmony. It said: "The root cause of the breaking out of serious disturbances as a result of any minor incident has been

¹⁷ *Opinion*, Bombay, October 6, 1970. Gorwala is its Editor.

found to be, the mistrust existing between the two communities since 1947 when the partition of the country took place". It pointed out that slogans like "Pakistan zindabad" might be shouted by a few Muslims but were often "taken to be the attitude of the community in general".¹⁸ The passage of time does not appear to have made much change in the Indian Muslims' leanings towards Pakistan. During the cricket test matches, between Pakistan and England, shouts of "Pakistan zindabad" were heard in August 1974 in the predominantly Muslim localities in Bombay, well within the hearing of the authorities.¹⁹

No fair-minded person can, however, ignore the realities of the Indian situation. Muslim participation in the government and in other important fields of national activity is negligible compared to the community's numerical strength. The elevation of a few Muslims to exalted positions, including the Presidentship of India, cannot explain away the fact that as a community they are left high and dry. To this must be traced part of the reason for their sullen withdrawal into the cell of isolation and softness towards Pakistan. Muslim handicap, however, appears to be inescapable under a system of government which is neither secular nor democratic. Caste is a dominant factor in the government of most of the states so that not only the Muslims and other minorities but an overwhelming majority of Hindus not belonging to the ruling elite, are also left in the cold. There is no easy solution to this problem since it forms an integral part of the Indian way of life.

The growing persecution of the Harijans further emphasizes the irrationality of this way of life. The constitutional interdiction of untouchability has not led to the elimination of this evil in real life. It is still widely practised, especially in the countryside. Caste Hindu ire against the Scheduled Castes is, however, only partly social and religious. Its roots are in the Government's policy of seeking to remove their economic and educational backwardness. The aim is undoubtedly laudable, but the will to attain it does not exist.

The bulk of the Harijan population lives in the villages, nearly 75 per cent of it being engaged in agriculture. Since most

¹⁸ *Report of the Commission of Inquiry on Communal Disturbances—Ranchi-Hatia* (August 22-29, 1967), 1968, pp. 73, 101.

¹⁹ *Mumbai Sakal* (A Marathi daily), August 13, 1974.

of its members are landless labourers, the Government's policy of distributing surplus land among them has provoked the anger of powerful landlords who make no bones about instigating violence and various other crimes against these defenceless people. The authorities watch such happenings with unseeing eyes because they are hand in glove with the rural rich. Again, preferential treatment to the Scheduled Castes in the recruitment to Government services has proved unpopular with the other elements of the population in the district and metropolitan areas. Parliament has expressed its indignation at the growing oppression of this helpless community but who is there to give it protection and to ensure its progress? The ruling party is interested only in its votes and not in its emancipation.

The Government's ineffectiveness can be seen in many other fields. Total prohibition of liquor consumption is a reform not for today but for tomorrow, if at all. In no country or clime has it proved an outstanding success. Free India adopted it because Mahatma Gandhi was implacably opposed to drinking. The spurious enthusiasm for Prohibition has, therefore, bred many evils which were unknown during the British period. Drinking then was confined to a small section of the population, but today the number of its addicts is legion. Families, which in the past feared social opprobrium and observed certain domestic decencies, now make no bones about installing liquor bottles in their homes and their male members drinking in the full gaze of their wives and children.

The seductions of inebriety are irresistible so that the women-folk also often join in the revelry while the younger people quench their newly acquired thirst on the sly. Week-end drinking parties among the members of the middle-class, attended by both men and women, have become common and often degenerate into orgies of self-indulgence. Prohibition has thus aggravated the evil of drinking, besides encouraging hypocrisy, crime and violence. Illicit distillation has now become a household enterprise on a countrywide scale. While hundreds die, millions damage their health permanently by drinking badly-made brew. The drink and drug habit is spreading fast and is catching the student community as well. The brewer of illicit liquor has become rich and powerful, posing a great menace to society. He has succeeded in thoroughly corrupting the vigilance staff.

On May 2, 1973, a Union Minister ruefully admitted that most states found the enforcement of total Prohibition impossible. Its inclusion in the Constitution was thus an act of ideological rashness, for which the country is paying dearly. Tamil Nadu's reintroduction of Prohibition in September 1974 can only be described as an act of faith. The verdict on it will have to wait for sometime. "Liquor", says Justice Tek Chand, "is the current coin for corruption". His indictment of Congress governments on this issue is devastating. ²⁰He writes: "One cannot help deprecating the attempt of the Congress Chief Ministers and their colleagues in scuttling prohibition when, by their pledge and creed, they are expected to support it".²⁰

The Government's failings in the field of education are even more massive. Both the educationists and the planners have stated repeatedly that India's salvation should be sought through education. The Education Commission, 1964-66, says thus in the opening chapter of its monumental report: "On the quality and number of persons coming out of our schools and colleges will depend our success in the great enterprise of national reconstruction whose principal objective is to raise the standard of living of our people". It points out that the "destiny of India is now being shaped in her classrooms".²¹

The Planning Commission is equally convinced that education is the most important "factor in achieving rapid economic development and technological progress" and that it is at the base of the "effort to forge the bonds of common citizenship, to harness the energies of the people, and to develop the natural and human resources of every part of the country".²² The aims and aspirations outlined in these documents can be realised only if there is a well-integrated national education policy. The Committee on Emotional Integration, presided over by Dr. Sampurnanand, has urged the need for the formulation of such a policy. It pleads for a close understanding between the Centre and the

²⁰ *Liquor Menace in India* by Tek Chand, Bharatiya Vidya Bhavan, 1972, pp. 155-56.

²¹ *Report of the Education Commission (1964-66): Education and National Development*, Ministry of Education, Government of India, p. 1. (It is popularly known as Kothari Report).

²² *The Third Five-Year Plan*, p. 573.

states in promoting the educational regeneration of the people.²³ Many other expert bodies have made recommendations along these lines.

The politicians have, however, no use for such reforms. They are pledged to the egalitarian but suicidal doctrine that all those who go to school must end up as university graduates irrespective of their ability or aptitude. Even if we ignore the fact that a degree should be the hallmark of its recipient's capacity to think and to act for himself, it should at least prove to be a vocational asset. Today in most cases, it satisfies neither of these criteria. It is certainly the duty of the State to ensure that all have abundant opportunities to acquire the highest form of education without any consideration of caste or creed, but it is beyond its means or capacity to strive for an equality of talent. Unfortunately, nature does not share the egalitarian enthusiasm of the politicians in distributing her favours. Failure to recognise that inequality of talent is an ineluctable fact of life is responsible for the growing chaos in this country's educational system. Since greatness is being wantonly sacrificed for bigness, political freedom has not led to intellectual liberation.

Restriction of numbers is thus an essential part of university reform. The Union Education Ministry recognises this simple fact but it is powerless to enforce it. On April 30, 1973, the Union Education Minister told Parliament that ten new universities were under the consideration of the University Grants Commission. In August, the same functionary declared, while explaining the place envisaged for education in the fifth plan, that enrolment for higher education would be regulated according to the availability of employment opportunities.

The invasion of colleges and universities by students with no appetite for serious study is the subject of frequent comment. Most of them hail from "comparatively or entirely uneducated homes" and, with poor preparation at the secondary level, rush to institutions of higher education only to pull down their standards.²⁴ Inevitably, able and eager students suffer under such an arrangement. Their intellectual abilities are not fully stretched since both the syllabus and teaching are brought down

²³ *Report of the Committee on Emotional Integration*, Union Ministry of Education, 1962, p. 34.

²⁴ Kothari Committee Report, p. 278.

to the level of the mediocres who preponderate. India is certainly producing men and women of scientific, technological and academic brilliance. The successful experiment with the atomic energy in May 1974 establishes this fact beyond all doubt, but the number of such gifted persons in a big and populous country like this is pitifully small.

Many of the talented persons turned out by the universities do not find service in the country congenial to them. Casteism and regionalism often bar the door to ability. The case of Dr. Hargobind Khorana, the Nobel Prize winner, is well-known. A number of Indian scientists, surgeons, physicians, technologists, engineers, scholars and experts in business management have made a success of their lives abroad after drawing a blank in their own country. The Government's schemes for stopping further flights of talent and for facilitating the home-coming of able Indians cannot have much success. With its grossly ineffective and deteriorating system of education, with a stagnant economy and spiralling prices and with a notoriously inefficient and corrupt government, India cannot at present be a habitable home for returning talent.

One instance may be given here to prove the monumental folly of the authorities. Till recent years, medical education in Bombay was esteemed for its high standard. Students, most of them eager and brilliant, keenly competed for admission to the medical colleges and emerged from their portals equipped to win distinction in their profession. Till 1971, six seats out of 360 were reserved in the three municipal medical colleges for the candidates from the backward classes. In the following year the number was raised to 18. In 1973, it was pushed up to 110. In other words, as many as 30 per cent of the available medical seats were reserved for candidates whose fitness to undergo a highly specialised and strenuous course was not considered relevant. Under this astonishingly perverse dispensation, a third class student is considered more eligible to become a doctor or a surgeon than one with a first class career.

Bitterly complaining against such injustice, a medical expert writes: "In June 1973, a student from Scheduled Castes etc. with just 40 per cent marks, obtained admission to a medical college while another student with 63 per cent marks was permanently prevented from following the profession, despite proven

capabilities, because he did not belong to a 'backward' community". Warning that such blatant discrimination will destroy one's faith in democracy, he asks: "Do the politicians realise its far-reaching consequences?"²⁵

As in other departments of education, the standard of medical education in the country is on the decline. If the mis-conceived policy of the Bombay authorities is followed by others, the noble profession will before long be honeycombed with mountebanks. Having failed to emancipate the depressed classes from their social and economic disabilities, the Government has adopted the facile but dangerous course of placating them by other means. Neither jobs in the Government nor ill-judged admissions to specialised educational institutions can redress the long-standing grievances of this numerous community. As pointed out earlier, its exposure to greater oppression in the villages by the caste Hindus in recent years is a conclusive proof of the failure of the Government's policy towards them. Its solicitude for the community does not go beyond winning its votes.

The utter collapse of the examination system in recent years provides a true measure of the debasement of the Indian education. The inadequacy of that system has been discussed threadbare, but there is none to enforce its reformation. As far back as 1960 a body of distinguished educationists made a number of suggestions towards this end. They pointed out that examinations must be an "ally of good education" and not be a mere test of memory. They should in fact become a true measure of the critical power and intellectual development of students. The experts pleaded for urgent reform, warning that continued inaction would gravely undermine the academic standards of the universities.²⁶ Fifteen years have passed since this warning was given but nothing worthwhile has been done to meet the situation.

The students have, however, taken the initiative to send the outmoded examination system to its doom. In a number of universities, the invigilators are rendered ineffective either through

²⁵ *Medical Education—Toward Health or Hazard* by Dr. H. G. Desai, M.D., Ph.D., *The Indian Express*, June 8, 1974.

²⁶ *Report on Examination Reform*, University Grants Commission, pp. 2, 39.

intimidation or judicious bribing. Mass copying has long ceased to be a major malpractice. Proxies are hired to answer the papers under the protection of armed ruffians. The well-known educationalist, Dr. Malcolm S. Adiseshiah, holds that the present examination system cannot be mended because it is "breaking from its own inner and outer contradictions, inertia, irrelevancies and basic weaknesses". He recalls how during the examination period in 1971 the majority of educational institutions were forced to cancel or to postpone the examinations or to "permit mass copying and cheating practices". After recalling what happened in a town, he writes: "With the use of loud-speakers to announce the answers outside the examination halls, examinations have become a test of hearing and handwriting".²⁷

The scandalous state of affairs in the University of Lucknow was described in August 1974 by a former President of the Lucknow University Teachers' Association and member of the State legislature. Calling attention to the gross perversion of the examinations conducted by the University, he said that, while the invigilators were "thoroughly demoralised", the Vice Chancellor seemed to have "abdicated his authority except for holding out veiled threats to teachers". The examinations committee, he complained, was "hand in glove with the bullies" whose writ ran supreme. Complaints by the teachers' association to the authorities about the irregularities fell on deaf ears. "The state government", he wrote, "is conveniently oblivious of the real situation". And yet the University authorities claimed that last year all was well with the examinations. Commenting on this, the former President of the teachers' association observed caustically that "even Goebbels would turn in his grave" at such a claim.²⁸

No knowledgeable person attaches much importance to university examination results these days. In July 1974, as many as 724 students of Bombay University who had sat for the First-Year Science examination were promoted *en masse*, although they had earlier been declared unsuccessful. The reason given for this astounding action was that the question paper was not supposed to conform to the "normal pattern" and was, therefore,

²⁷ *Centre-State Relations in the Seventies* edited by B. L. Maheshwari, Administrative Staff College of India, 1973, p. 226.

²⁸ Readers' views in *The Times of India*, August 20, 1974.

too stiff for the candidates to cope with effectively! Again, of what value are examinations and their results if the answer papers are lost or are stumbled upon in such unexpected places as gutters and the shops of dealers in old newspapers? An unsuccessful candidate can secure a first class by the simple process of transposing the number of the marks secured by him. For instance, 26 can be converted into 62 at a price.

It is small wonder that university education, in which the examination system holds a pivotal position, has lost both its pristine value and respect. Students with no traditions of learning at home and with dimly-lit minds want degrees without study. Streets and not the classrooms or the campuses are increasingly becoming the arena of their activities. The sterility of an education that prepares its recipients neither for life nor for living drives more and more of them to desperation so that they become an easy prey to the machinations of unscrupulous politicians. The terrible happenings associated with the Youth Rally held in New Delhi in August 1974 and addressed by the Prime Minister, fully sustain this charge. The minority of brilliant students, anxious to pursue their studies quietly, are overwhelmed by the prevailing atmosphere of violence and chaos.

It is clear from this survey that the problem of higher education can be solved only by strictly enforcing the principle of quality control and by realising that the advancement of learning cannot be left either to chance or to local determination. It is true that India is too big a country for its educational system to be rigidly centralised, but it is imperative that its colleges and universities should cease to be a mere congeries and should become part of a genuine system characterized by unity no less than diversity. In other words, there must be a well-integrated system of national education. Demands for this essential reform are being ignored as persistently as they are made.

The Prime Minister has often spoken about the need for educational reform, but she is careful not to exercise her influence and authority with the states to ensure and to hasten its adoption. She and her Government are watching with unseeing eyes how the ruling party's egalitarian obsessions and other follies are hastening the collapse of the entire educational system. She knows how student power is being used and abused to accomplish tasks that ought to engage the strenuous exertions of grown up persons.

She also knows that a misdirection of the energies of the young people is apt to create a serious law and order situation, especially at a time when the country is seething with unrest.

Never before for more than one century was the country convulsed with violence and disorder of the present magnitude. Popular discontent is the natural outcome of the rulers' failings and rifles do not provide the remedy. There was official repression during the British Raj, but its misdeeds pale into insignificance compared to what the "popular" governments are now doing to the people, their supposed masters. It is doubtful whether the stability of the country can be sustained for long without the help of a large police force and special constabulary and without inducting the army frequently to aid the civil power. Apart from the fact that such dependence upon the armed forces to preserve the fabric of law and order is the most decisive indictment of the "democratic" rule, its ultimate outcome is apt to prove disastrous.

This is the state of India and it is against such a gloomy background that Mrs. Gandhi's record as Prime Minister must be studied. It is, of course, absurd to blame all the ills of the country on her. By the same token, it would be dishonest to attribute to her qualities of leadership she does not possess. India is a hero-worshipping country and the Prime Minister has no dearth of panegyrists. Much has been said in criticism of the time capsule that was buried in the Red Fort in 1973. If, as is alleged, the document has given undue weightage to Mrs. Gandhi and her father and dismissed other outstanding leaders by a casual reference to them, then the narration cannot be the outcome of honest historiography. It will be put in the class of Abul Fazl's panegyric *Aini Akbari* about the Moghul Emperor, Akbar.

The argument that there is no alternative to Mrs. Gandhi's leadership is unmanly and undemocratic. No truly democratic country in the world feels so helpless. Perhaps, the affirmation of unbounded faith in Mrs. Gandhi's guidance would have been valid if the state of the country had been satisfactory. The Congress has been in power at the Centre and in most parts of the country uninterruptedly for over a quarter century. No honest person can say that it has guided the national affairs wisely or that it is competent to clear up the present mess. And the Con-

gress cannot do without Mrs. Gandhi's leadership. Does it mean that India must remain under the tutelage of a patently incompetent ruling party without any hope of deliverance from her many miseries?

An attitude of adulation cannot solve the national problems. At least the thinking sections of the population must be able to say with the British Labour leader, the late Ernest Bevin: "I have no confidence in supermen". He was convinced that the "limitations of supposedly great men are obvious"²⁰ India must seek her deliverance by making a constructive interpretation of the powers of the President untrammelled by what the jurists say in the matter. The survival of the country is more important than academic interpretations.

²⁰ *The Life and Times of Ernest Bevin* by Alan Bullock, Volume I, Heinemann, 1960, p. 538.

6. THE MINISTERS

THE ministers of India, mis-called "popular", are monarchs of all they survey. Millions of people may be stricken with many hungers and wants but these mighty personages must have all the nicest things in the world in superabundance. They must have precedence over everybody and priority in everything. Their lives must be guarded like jewels in a velvet case. But this was not the kind of life that was prescribed for them by their great mentor, Mahatma Gandhi. He insisted that power could not be dissociated from responsibility and the obligation of disinterested service.

When the Congress accepted office in 1937, the Mahatma gave it a programme of action, the basis of which was the service of the common man. He conceived the functions of ministers as a mission of service. He wanted them to live frugally on a modest salary of Rs. 500|- a month. "A conscientious minister", he wrote on September 4, 1937, "has no time for receiving addresses and honours, or for making speeches in return for fulsome or deserved praise". The Mahatma was a stern task-master and his death soon after independence must have been inwardly welcomed by the self-seeking politicians.

Poverty has long been pursuing India's masses like fate. Decades ago, Gopal Krishna Gokhale described the plight of the Indian peasant in memorable language. The ryot, he said, was a "starving, shrunken and shrivelled-up" creature, "toiling and moiling from dawn to dark to earn his scanty meal, patient, resigned, forbearing beyond measure, entirely voiceless in the Parliament of his rulers and meekly prepared to bear whatever burdens God and man might be pleased to impose upon his back". As will be shown in a subsequent chapter, the masses of the people have sunk deeper into penury since these words were uttered. The exit of foreign rule has made no difference to them nor has the right to vote freed them from their social and economic bondage.

A gulf divides the rulers of free India from the common man. There is no comparison between their and his style of

living. In its election manifesto of 1971, the Samyukta Socialist Party drew pointed attention to this fact. It said: "Today the Rashtrapati Bhavan, the Prime Minister's house and Raj Bhavans are the greatest symbols of feudal luxury, on the one hand, and extreme poverty and inequality on the other. The salary of the President is Rs. 10,000 per month, but the travelling allowances of his two assistants are to the tune of Rs. 1 lakh per month". The manifesto asserted that the daily expenditure of the Government on the Prime Minister was Rs. 30,000 while as many as 300 million Indians could not spend more than 20 or 25 paise per head per day.¹

The President of the Indian Union, it is asserted, has no powers. He is only an ornamental head, a mere *roi faineant*. And yet immense sums of money are being spent on his maintenance and on his travels. He lives in a splendid palace which would have been the envy of the pleasure-loving Moghul monarchs. He ceases to be on *terra firma* the moment he leaves the precincts of the Rashtrapati Bhavan and the capital. Should he ever so rarely travel by train, it must be in a special. He is almost invariably air-borne which is always in a plane of his own, that is to say, of the Government. In October 1973, a national daily drew attention to the growing cost of the presidential tours abroad. The then President's good-will visit to some of the East European countries in that year involved an expenditure of Rs. 20 lakhs on aircraft, which was exclusive of the cost of sending the President's plane to those countries.²

Splendour and extravagance in a poor country is unpardonable. Pomp without power is even more inexcusable. The choice of Fakhruddin Ali Ahmed as the fifth President of the Indian Union was not popular. The ceremony of installing him in that office on August 24, 1974 could have been simple and yet dignified. But for reasons best known to the authorities, a great show at a tremendous cost was made on the occasion in total disregard of the distraught condition of the country. "Mr. Ahmed" said a newspaper report, "is the second, after the first President, the late Dr. Rajendra Prasad, to be installed in the Durbar Hall which was designed for State occasions in

¹ *Handbook of Election Manifestos* edited by Vadilal Dagli, Commerce, 1971, pp. 77, 78.

² *The Times of India*, October 18, 1973.

which British royalty and its Viceregal pro-consuls in India once took part". The ceremony of installing the other Presidents was marked by simplicity and was held in the Central Hall of Parliament. The report added: "The return this time to the Darbar Hall has not been explained".³

Alongside this report, the paper carried news of widespread suffering in Maharashtra following the failure of rains. The migrants from the scarcity-hit districts, numbering many thousands, were bitter that nothing was being done to alleviate their suffering. "They complained", says the news item, "that the community wells dug under the scarcity relief programme last year had caved in and were of little use. They were also bitter about the Government's failure to start relief works near their villages although officials knew that the crops had failed and not only the landless labour but the small farmers faced starvation". Even as the new President was ascending his *gadi*, his home state of Assam was in tears. As many as four million flood-hit victims were exposed to starvation. Their woes, said a report, were "compounded by the failure of the State Government's food policy plus the Centre's indifference to the relief needs".⁴

Nehru was a tireless traveller and it cost the tax-payer heavily to finance his transport. He invariably travelled by air for reasons of security. Whether he did so on official business or for party purposes, the State bore the cost. Only a nominal sum of money was charged to him when he used a Government plane for party work. The same privilege has been extended to his successors. The operational cost of a plane has always been high. It was about Rs. 2,500 an hour a few years ago, but thanks to the recent phenomenal rise in the prices of fuel oil, it is now very much more. And yet the itch among the ministers and others to be air-borne has shown no perceptible decline.

It has been rightly said that one has to be a minister or his satellite to be able to go round the world free of cost to oneself. What benefit the country can have by amateur politicians, many of them with blank minds, going abroad to attend conferences, is a riddle which has no satisfactory solution. According to the statistics presented to the Lok Sabha on April 10, 1974, there

³ *The Sunday Standard*, August 25, 1974, p. 1.

⁴ *The Indian Express*, August 27, 1974, p. 1.

has been a phenomenal increase in the cost of the Central ministers' tours. The burden on the exchequer on this account was Rs. 28.37 lakhs in 1972-73 as against Rs. 18.08 lakhs in 1968-69. It was barely Rs. 2.01 lakhs in 1948-49.

Like her parent, Mrs. Gandhi is an indefatigable traveller. Her trips abroad and the frequency of her tour of the country rival those of Nehru. What with the need for elaborate security measures, the cost of her travels is of staggering proportions. A mild stir was caused in Parliament in 1970 when a member asked whether a sum of Rs. 33 lakhs had been spent on chartering a plane for a brief visit of the Prime Minister to New York.

Her visits to the states inside the country are also costly. A former Chief Minister of Uttar Pradesh disclosed in January 1970 that the State Government had to spend Rs. 40 lakhs during the previous fifteen months on the security arrangements for the Prime Minister's visit to that state. He added that one day's visit by her cost the State exchequer as much as one lakh of rupees.⁵ In January 1973, she toured the drought-affected areas of Maharashtra, her mission of mercy costing the state Rs. 1.35 lakhs.⁶ The growing suffering of the people often rouses their anger when the popularity of the Prime Minister slumps. On such occasions, it becomes impossible for her to appear in public. Elaborate security measures have to be taken if her presence becomes inevitable. When she visited Poona on April 8, 1974 against the wishes of its agitated citizens, much money had to be spent on her protection and on mobilising crowds from the adjoining districts to greet her. According to the Mayor of Poona, a staggering sum of Rs. 25 lakhs was spent to make her fleeting visit to the city in safety possible.

The fact that ministers are the servants of the people finds expression in this country only in the ruling party's election manifestos and in platform oratory. It has never been put into practice. Of what use is a ministership if it does not yield abundant power, prestige and personal profit? Modesty and simplicity are, therefore, an affront to that exalted office. So, when a minister and other dignitaries move about, the world must not only know about it but must also *feel* it. In big and crowded cities, long stretches of roads are cleared of all traffic even during peak

⁵ *The Times of India*, January 4, 1970.

⁶ *The Times of India*, March 28, 1973.

hours so that the so-called V.I.Ps. may speed along to their destination. It matters little to them how much the public are inconvenienced and how deeply sensitive persons are offended. The Congressmen were the loudest in protesting when such humiliating restrictions on movement were imposed on the public during the British days, although such occasions were rare. One may ask, according to what canons of justice these worthies are entitled to an exclusive right of way on public thoroughfares. If their time and work are precious so also are those of others.

Nehru had a distaste for this kind of ostentation. During his visit to America; he agreed with Professor Galbraith, who was then U.S. Ambassador to India, when the latter suggested that democratic heads of state should not travel in such "totalitarian fashion".⁷ Nehru had sent out instructions to the effect that when a "V.I.P." travelled, care should be taken to ensure that the traffic was not disrupted. This salutary injunction is still observed somewhat in the capital, but nowhere else in the country.

Cities like Bombay and Calcutta are chronically afflicted with the problem of congestion and traffic jams. How some of the Central ministers throw their weight about when visiting these cities has been graphically described by a newspaper. It reads: "Time: Saturday morning, scene: Bombay's Marine Drive pleasantly free from traffic because most business establishments in the city have a five-day week. All the more reason, therefore, that a motorist driving along was shocked out of his wits when he found a police car, virtually closing in on him. The red, revolving light atop it was flashing; its siren was wailing and a police officer sitting in front was shouting through a microphone 'Make way, make way'. As the motorist obeyed the curt command, he saw a limousine flash by". It was occupied by a Union Minister. He was followed by a fleet of cars—a good example of conserving costly petrol!

The writer of this illuminating piece added: "Altogether it was quite an advertisement of the way in which senior ministers of a government claiming to be both democratic and socialist like to travel".⁸ No one is spared the insult of being curtly ordered to make way for the great men. In an article entitled *Gandhi or Mao? Choice for our Semi-literate Ministers*, pub-

⁷ *Ambassador's Journal* by J. K. Galbraith, p. 250.

⁸ *A Times of India Notebook*, June 6, 1974.

lished in *The Illustrated Weekly of India* on October 4, 1970. Durga Das gave copious extracts from the letter he had received from an esteemed Congressman who had in his time been an ambassador, a Central Minister, a Governor and a close friend of Nehru. The letter contained this revelation: "The other day the Prime Minister was in town and I had actually to leave my car at some distance and walk to my place, for cars were not allowed, as a rehearsal was being held for her visit that was to follow a couple of days later. I experienced something similar during her visit as well. In the old days, such restrictions were confined to the Viceroy and sometimes to Governors but, when others came, there was no such upset to local social life as happens now".⁹

Further extracts from his letter to Durga Das are equally revealing. He wrote: "The Ministers seem to me to think that they are the proprietors of the country and that they have no need to have any consideration for anybody". The veteran journalist, B. Shiva Rao, reaches the same conclusion: He says: "It is only in India I find that Ministers and M.Ps. develop a complex of belonging to an exclusive and superior class of creation, entitled to favoured treatment".

The size of the expenditure of public money on these functionaries is breath-taking. The late Dr. Ram Manohar Lohia, who believed in calling a spade a spade, was a pertinacious critic of Nehru. He complained that Nehru as Prime Minister cost the country Rs. 25,000 a day.¹⁰ The Socialist leader caused much consternation to the ruling party when he asserted in Parliament on August 21, 1963 that as many as 27 crores of Indians subsisted on an income of three annas a day.

Sri Prakasa, whose anonymity was poorly concealed in Durga Das's article in *The Illustrated Weekly* mentioned above, wrote in March 1970, calling attention to the complaints of capi-

⁹ There are many foreign dignitaries who are addicted to this kind of absurd ostentation. The late President Sukarno measured his welcome by the number of outriders he had. In 1964, when Dr. Nrumah of Ghana attended the Commonwealth Conference in London, he rode a Rolls Royce escorted by eight outriders. President Ayub Khan of Pakistan used a car resplendent with the five red-and-gold stars of the field-marshal. How are Indian dignitaries, the votaries of Gandhism, different from these showy foreigners?

¹⁰ *India from Curzon to Nehru and After* by Durga Das, p. 373

talists about the Prime Minister's style of living. The biggest among them told him that they could not afford to live as splendidly as she did.¹¹ "I know" wrote Frank Moraes, "some top industrialists, one of them recently told me that his gross taxable salary and adjuncts added to a little over Rs. two lakhs a year, which means half of the taxable salary of a Minister of the Government of India".¹² A. D. Gorwala points out that the Prime Minister and her colleagues live at a cost to the State that would necessitate the possession of a taxable private income of at least twelve lakhs of rupees a year.¹³

Earlier in May 1970, N. Dandekar, a retired civilian and an income tax expert, had thrown a bomb-shell in Parliament by declaring with all the weight of his specialised knowledge that the salary and the various facilities that were given to a Central Minister amounted to as much as Rs. 4.48 lakhs a year. No attempt has been made to challenge these figures or to meet the charge that the ruling elite today lives in a style which a majority of the members of the defunct Princely Order could not hope to attain even in the heyday of their glory. One has only to visit them at their residences in New Delhi to realise how vast and unbridgeable is the chasm that separates them from the people. Their bungalows, comparable with palaces in comfort and luxury, are hidden in acres of tree-clad compounds. Well-tended gardens help them to overcome their weariness and their families their boredom. The furniture and other household equipment are first-class while their table is laden with the choicest food and drink. An army of servants are on the alert to respond to their smallest whim and wish.

Repeated suggestions that ministers should move into modest residences have fallen on deaf ears. On March 17, 1970 the Prime Minister told the Rajya Sabha that their efficiency would suffer if they did so. She explained that in this country, unlike elsewhere, houses were places of work for ministers all the year round. So, the advocates of small houses should not indulge in such "gimmicry". Perhaps, she would have done well to give a more plausible excuse because the size of a house has nothing to do with the capacity of a person to work.

¹¹ *The Indian Express*, March 6, 1970.

¹² *The Indian Express*, February 28, 1971.

¹³ *Opinion*, January 2, 1973, p. 2.

Naturally, the maintenance of large bungalows costs the State a good deal. In July 1973 Parliament was told that a sum of Rs. 13,07,800 was spent on the repairs and maintenance of the bungalows of the Central ministers. The expenditure in 1973-74, it was stated, would be Rs. 14,92,750. The water and electricity bills also run into lakhs of rupees. Understandably, the ministers in the states refuse to lag behind in extravagance. For instance, the telephone and electricity bills of twenty-one ministers of Maharashtra at their residences amounted to Rs. 1.76 lakhs in nine months ending December 1972. This works out to Rs. 20,000 a month or Rs. 1,000 per month per minister.

In India, ministerial ostentation manifests itself in strange ways. The Chief Minister of Bengal believes in surrounding himself with a surfeit of superfluous bureaucrats. At the time this caprice of his was reported, his personal staff in the state capital, Calcutta, consisted of two I.A.S. officers, a Press Secretary, a Political Secretary, two Special Officers, two Special Assistants and two Personal Secretaries. At Darjeeling, a hill secretariat in charge of a Secretary was set up in one of the most comfortable guest houses belonging to the State Government. In New Delhi, the arrangements were equally lavish.¹⁴ With the ministers addicted to such extravagance and with a proliferating bureaucracy, is there any wonder that very little money is left to relieve the misery of the hungry millions?

While the Government is starved of funds for fighting poverty and unemployment, the ruling party has easy access to unlimited resources to win the elections and to make a public display of its affluence. Gandhian austerity is dismissed as an absurd self-denial. The annual sessions of the Congress, which at one time thrilled all patriotic hearts, have now become a mighty monument to waste. The meeting of the white-capped fraternity in December 1972 at Bidhan Nagar in Calcutta has contributed a notable chapter to the party's annals for its sheer extravagance and wastefulness.

It was reported in a leading Calcutta daily that an estimated sum of Rs. 50 lakhs was spent on the session, exclusive of the free service rendered by the staff of the state government. "The star attraction of the Salt Lake", the report said, "seems to be

¹⁴ *The Times of India*, March 1973, p. 8.

the Prime Minister's 'cottage' covering a little more than a half-acre space. *Costing about Rs. 8 lakhs*, it has four beautiful living rooms with a lounge and a small meeting hall for the Cabinet or the Congress Working Committee. *There are two gates, one for Mrs. Gandhi herself and the other for the plebeians desiring to see her*'.¹⁵ (Emphasis not mine)

Such unique "simplicity" naturally attracted wide attention. Commenting on the Prime Minister's "cottage", Dr. Ashok Mitra, former Economic Adviser to the Union Government, wrote that four thousand square feet of "opulence" were "topped" by a "thatched roof, rural Bengal style", presumably to "propagate the agony of mute poverty". He added: "The reality of India is the other way round. It is for nineteen-twentieths undiluted poverty with only the tip at the top exuding rarefied affluence. Thus was also defined Plato's Republic".

The Spartan Congress guests, who were accommodated in five and four star hotels, found living in them an ordeal. The beds were too hard and uncomfortable to the liking of their backs and bellies. Only when foam-rubber mattresses, bed-sheets and pillows were produced could their anatomies, hardened by the Gandhian ideals, find the needed repose. Is it not in the fitness of things that the noble task of wiping the tears of India's afflicted millions has fallen upon these self-abnegating patriots?

One must indeed be a kill-joy to suggest that because of India's poverty all its inhabitants must live as though they are in the vale of sorrow. Poverty cannot be abolished by merely rejecting the good things of life. But vulgar ostentation, when millions are starving, cannot commend itself to decent and right-thinking persons. It is incumbent upon ministers and other dignitaries to observe certain norms of propriety when attending ceremonies and functions marked by pomp and show. It is not only wrong on their part to attend weddings celebrated in the Moghul style but to arrange similar ones themselves. The participation of certain ministers in the inauguration of a luxury hotel in April 1973 by cutting the "tallest cake ever baked in the city" when a severe drought was ravaging large parts of the state was certainly not in accord with the socialist convictions of their party.

The administration of a modern state demands expert know-

¹⁵ Quoted from the article entitled *Bidhan Nagar* by A. G. Noorani, *Opinion*, January 2, 1973, p. 7.

ledge, trained judgment and political inventiveness. It is futile to expect these qualities from most of the Indian ministers. The people have, however, every right to expect from them honesty and incorruptibility since these are the most elementary qualifications which men in authority must possess. The ministers are entrusted with the resources of the country and with the power to use them for the public good. They thus accept a tremendous responsibility to function with complete personal rectitude. A large number of Indian ministers, however, treat their elevation as an opportunity for their own glorification and enrichment. To what length some of them are prepared to go in pursuit of their sordid aims was illustrated by a Deputy Minister being allegedly hand in glove with decoits.¹⁸

Enough has been said in these pages about the extent of political corruption in the country. A minister may be guilty of the grossest misdemeanour but it provokes no popular protest much less retribution to the guilty person. Much was expected from the non-Congress ministries after the electoral discomfiture of the Congress in 1967. But most of those who composed the ministries were also men of straw and were thoroughly opportunistic and unscrupulous. In one state, a batch of transitory occupants of the ministerial position walked away with most of the valuable Government property when they vacated their official residences.

In another state, the air-conditioning equipment meant for an operation theatre in a hospital was diverted to the office of the Chief Minister to keep him in cool comfort. In the same state, a Government plane was sent to fetch the *sherwani* (a pair of tight trousers) of a minister. The use of Government transport for private purposes has become most common in this country. In 1971, a minister was alleged to have helped himself to the resources of the famous shrine at Tirupati in Andhra Pradesh to celebrate his daughter's marriage with éclat. Did not Cato, the great Roman thinker of the pre-Christian era, say: "He who steals from a citizen ends his days in fetters and chains, but he who steals from the community ends them in purple and gold?"

On September 11, 1969, Morarji Desai revealed that Jagjivan

¹⁸ *The Times of India*, May 21, 1971, p. 9.

Ram, the senior-most Central minister, had failed to declare his income for ten years. The minister had nothing to fear from this damaging disclosure because he found in Mrs. Gandhi a vigorous defender of his fault. On September 16, she said that Jagjivan Ram's lapse was the outcome of his "forgetfulness". She further observed: "It is true that there was some forgetfulness. It is also our fault that people are not reminded about these things when they are leading a busy life."¹⁷

The implications of this explanation are far-reaching. Is it seriously suggested that ministers are the only busy persons while all others are mere drones? Since this is patently untrue, the next question that naturally arises is: What will happen to the Government revenues if the tax-payers, in imitation of the forgetful minister, also plead amnesia and refrain from rendering their tax returns? There can be no valid answers to these queries in a country where the ministers, the supposed servants of the people, have become a law unto themselves. Lalit Narayan Mishra, another stalwart in the Central ministry, who died of a bomb attack on January 3, 1975, figured frequently in parliamentary debates and in public discussions. He was attacked in connection with the import license scandal and on other counts. The Centre is the repository not only of India's sovereignty but also of her honour and good name. How safe the prestige of the country is in the hands of its present controllers!

Since India has opted for the Westminster system, it would be rewarding to know how the British ministers function. Not all of them are high-born but few among them are concerned about their lineage. Both Aneurin Bevan and Ernest Bevin, who not only attained ministerial positions but also made their mark on British politics, were drawn from the working class and were proud of this fact. Both had no formal education, but they were endowed with extraordinary intelligence, sagacity and drive. Bevan was widely-read and his fierce oratory in Parliament often drove the Prime Minister, Winston Churchill, himself an outstanding speaker, to despair. "Here indeed," Bevan declared, "was the great past mimed by the ignoble present. . . . The Prime Minister who has a natural gift for the counterfeit,

¹⁷ *The Times of India*, September 17, 1971.

surpassed himself".¹⁸ As Minister of Health from 1945-50, he revolutionised the health services of Britain.

Bevin, who shot into fame as the "Dockers' K.C.", was full of confidence in himself and was a perennial source of new ideas. As Foreign Minister from 1941-51, he held that office with much distinction, winning the admiration of all by his masterly conduct of his country's external affairs. In fact, like Lord Curzon he became a Foreign Office legend. In a tribute to him, his party chief, Clement Attlee, said: "Because of his own genius for organisation and his confidence in his own strength, he did not fear—he embraced—power. Lord Acton's famous dictum on power probably never occurred to him. *If he agreed that power corrupts, he would have said that it corrupted only the men not big enough to use it*" (Emphasis mine). Brushing aside all considerations of false modesty, Bevin said: "I'm a turn-up in a million".¹⁹ India would have been twice blessed if she could have half a dozen ministers of such calibre.

In mature democracies, ostentation by the people's representatives is condemned as a vulgar weakness. In Europe, the Presidents and Prime Ministers live in modest houses, never complaining that they are no good for hard work. They go to their offices either in small cars driven by themselves or on bicycles. Some years ago, A. D. Gorwala drew attention to the sort of life that was being led by the Swiss President who, he said, "remaining in the modest suburban house he occupied before election, came in every morning to his office by bicycle or bus".

The life of the British Prime Ministers is noted for its simplicity and freedom from vulgar show. Not only the Labour Premiers, but their Conservative counterparts, most of whom hail from affluent families, drive in modest vehicles and are rarely noticed when they are travelling. Stanley Baldwin, who was Britain's Prime Minister thrice, drove his own car which was so small that many dreaded the honour of travelling in it with him! Such things are unthinkable in India. The ministers' prestige is so fragile that it has got to be bolstered up through pomp and pageantry.

¹⁸ *Aneurin Bevan: A Biography* by Michael Foot, Volume I, 1897-1945, Macgibbon and Kee, 1962, p. 242.

¹⁹ *The Life and Times of Ernest Bevin* by Allan Bullock, Volume I, Trade Union Leader, 1881-1940, Heinemann, 1960, pp. 100, 101, 103.

Again, public life in Britain is almost free from corruption and other serious malpractices. A nationwide furore is created if the politicians depart ever so slightly from the straight and narrow path of honesty. There was a major sensation in the country when it was known that Ramsay MacDonald, Labour Prime Minister, had received a batch of shares from a friend to buy a car.²⁰ The Macmillan government was shaken to its foundations when it was discovered that Profumo, the Minister of War, had lied to his colleagues and to Parliament about his private life. The result was that by early 1963 the Conservative party was trailing behind Labour in the Gallop poll.

In 1972, Reginald Maudling, a senior member of the Heath Cabinet, left the Government following the criticism of his connection with John Poulson, a bankrupt architect. None suspected or accused Maudling of any crime. Since the architect's activities were the subject of investigation by the police, all that was necessary in the circumstances was that the minister, who was holding the Home portfolio, should have been given some other responsibility till the completion of the inquiry. Calling Maudling a big man, *The Economist* said that a few M.Ps. and "more Pharisees in the press" contrived to bring down a fine politician.²¹

The Heath ministry was again rocked in the following year as two of its members were involved in a call-girl scandal. The House of Commons did not consider that the persons concerned, namely, Lords Jellicoe and Lambton, had committed any grave crime. The Prime Minister was equally convinced about the injustice of subjecting his former colleagues to the humiliation of facing a public inquiry. Lord Justice Salmon's commission on trials had stated that it was no part of the duty of a government "to satisfy idle curiosity about scandalous gossip". The Prime Minister rightly decided to refer the issue to the security commission.

Commenting on the episode, *The Economist* declared that it was wrong on the part of the public to expect higher moral standards from its political leaders than it was prepared to tolerate in others. At the same time, it approvingly called attention to the existence of a healthy instinct that politicians should regard office

²⁰ *Macmillan: Portrait of a Politician* by Emrys Hughes, George Allen & Unwin, 1962, p. 201.

²¹ *The Economist*, July 22, 1972.

as both a privilege and an obligation. A politician's private life was nobody's business but his own so long as it did not affect the performance of his office, but there was no excuse "for the sort of self-indulgence that these two ex-ministers allowed themselves".²²

In 1974, the Labour party, which in the early months of that year had come into power without a parliamentary majority, was plagued by a number of minor scandals which were rightly described as "the fish and chips version" of America's Watergate affair. Anxious to vindicate the honour of his party and to inspire public confidence in the country's political life, the Prime Minister, Harold Wilson, announced the appointment of a royal commission to investigate allegations of corruption at the national and local government level. In a perceptive editorial on corruption in Britain, *The Economist* said that it was a measure of the general decency of British public life that it took only a whiff of very small-time corruption to send both politicians and the press into a "moralistic tizzy". It called attention to the determination of both Heath and Wilson to keep venal people in their parties out of real influence in the national affairs.

Wilson was convinced that only a small minority in public life gave way to temptation. The weekly urged that since corruption existed in the parties, it was their sole responsibility to put their houses in order. If they did not do so, it was failure of party and not of Parliament. The British politicians are certainly not angels. They are ambitious and love to exercise power. Indeed, as an authority has put it, if politicians were not ambitious there would be no politics at all. But in Britain and in many other well-governed democracies they are guided by certain norms of behaviour, deviation from which is uncommon. To quote Dr. Ivor Jennings: "On the whole Britain can trust its politicians. They are not always right, but few Governments are prepared to sacrifice the national interest as they see it in order to obtain a present party advantage. Leadership is almost invariably given, and the electorate responds to leadership which it believes to be wise".²³

In May 1974, Willy Brandt, Chancellor of West Germany, upheld the finest traditions of clean government, by resigning from his office following an uproar caused by an espionage scandal. His

²² *The Economist*, May 26, 1973.

²³ *The Queen's Government* by Sir Ivor Jennings, p. 131.

office had appointed Guenther Guillaume, an East German spy, as his assistant in spite of warnings by the intelligence service. "I take upon myself", Brandt said, "political responsibility for the negligence in connection with the Guillaume espionage affair and declare my resignation". Brandt was an outstanding leader who had won the Nobel Peace Prize and had earned international esteem both for himself and his country by promoting the much-needed understanding between the two Germanys.

The politics of free India have never reached such sublime heights because the type of government she has adopted is not suited to the genius of her people. British democracy is the product of centuries of evolution so that in the matter of government both the people and their leaders are guided by certain stern laws of rectitude. Very few look upon ministership as an opportunity for personal aggrandizement. And yet British politics do not escape criticism. Aldus Huxley, for instance, wrote: "In practically every other sphere of activity we have accepted the principle that nobody may be admitted to hold responsible positions unless he can pass an examination, show a clean bill of health and produce satisfactory testimonials as to his moral character; and even then the office is given, in most cases, only on the condition that its holder shall relinquish it as soon as he reaches the threshold of old age. By applying these rudimentary precautions to politicians, we should be able to filter out of our public life a great deal of that self-satisfied stupidity, that authoritative senile incompetence, that downright dishonesty, which at present contaminates it".²⁴

This is strong language, but that is how a high standard of public life is sought to be preserved in Britain. There is no public opinion in India and honest critics are denounced with such vehemence as though they are guiltier than the guilty persons themselves! In any case, their voice is drowned in the din of slogan-shouting by the devout that genuflect at the altar of Authority. "I almost think", wrote Sri Prakasa with a heavy heart to a friend, "that the fifty years of my life, which I gave to the freedom struggle, have been completely wasted if they have resulted only in the sort of Swaraj we have got today".²⁵

Earlier, Khan Abdul Ghaffar Khan, who spent many months

²⁴ *Ends and Means* by Aldus Huxley, Chatto and Windus, 1951, p. 174.

²⁵ *The Indian Express*, June 25, 1971.

in India in 1969, had expressed his disillusionment about the calibre of the present Indian leadership. He said: "I feel that the leaders of India are interested only in power and money. They have no interest in the people, who are the most important factor in any country".

Since these words of anguish were spoken by the two leaders, the country has gone further downhill. The speed of its descent is best described in the words of another respected leader, Jayaprakash Narayan. In his contribution to a souvenir volume, published in March 1974, he said: "The utter confusion, lack of direction and purposefulness, galloping corruption at all levels of politics and Government may suit Prime Minister Indira Gandhi's style of leadership, but it spells ruin for the Congress as a democratic organisation and for democracy itself". He went on to say that if there was "dishonesty, corruption, manipulation of the masses, marked struggle for personal power and personal gain, there could be no socialism, welfarism, government, public order, justice, freedom or national unity, in short, no nation".²⁶ Who is responsible for such a frightening drift in the national affairs if not the "popular" ministers and their comrades in iniquity, the bureaucrats and the money-making fraternity?

²⁶ *The Indian Express*, April 1, 1974.

7. THE BUREAUCRACY

THE future of a country depends, not so much on its constitution, as on the quality of its administration. It is the considered opinion of knowledgeable persons that there is no subject more important than administration. One writer goes so far as to assert that the future of civilized government and indeed of the civilization itself rests on "our ability to develop a science and philosophy and practice of administration, competent to discharge the public functions of civilized society". Jeremy Bentham's noble ideal of "the greatest happiness of the greatest number" cannot be realised without an able, upright and dedicated bureaucracy. Unless this basic requirement is met, *garibi hatao* will be no better than an empty slogan.

The British Raj in India was not and could never be a welfare state, but it was careful to maintain high standards of probity and efficiency in its administration. The Indian Civil Service was rightly acclaimed as the *corps d'elite* of the government and was esteemed as much for the integrity of its members as for their efficiency and devotion to duty. They were convinced that a combination of these qualities with loyalty provided a true basis for enlightened government. Irrespective of their political predilections, a number of Indian families, with long traditions of learning at home, prided themselves on seeing their sons holding a place in the top storey of the country's administrative edifice. Heavy responsibilities were imposed on the civilians who were expected to discharge them not only without waiting for orders but also without fear or favour. The revenue collectors of those days were the monarchs of their districts. The names of many of them are still cherished as the benefactors of the people.

Many Indian I.C.S. men rose to high positions and did their duty with courage and independence, unmindful of the consequences. For instance, in his capacity as Finance Secretary, C. D. Deshmukh told the British Governor of an Indian province that his A.D.C. would not be entitled to travelling allowance for accompanying the Governor's wife to a sea port to see her off. This upright civilian also made no bones about telling the Prime Minister of a province in 1938 that he had no authority to order a Superin-

tending Engineer to help in the construction of the Congress camp.¹ Deshmukh, of course, never came to grief for doing his duty. The history of the Indian Civil Service abounds in such heart-warming instances. It is small wonder, therefore, that the Service earned high encomiums from all competent and impartial observers. Paul H. Appleby, whose report on the Indian Administration was published in 1953, wrote: "India in these Services shares with Britain the distinction of having the best body of generalist civil servants in the world."

Perhaps, this noble tradition of competent and honest service could have been preserved inviolate if the politicians of free India had not chosen to treat the country as their kitchen garden. Sardar Patel was, however, foremost among the few discerning Congress leaders who realised the value of able civilians to assist the country in achieving its social and economic goals, besides imparting stability to the administration. But power came to that great man at the time of the evening prayer. His death soon after the country's independence was undoubtedly a national calamity.

The Sardar had both the vision and the pragmatism of a statesman. His realistic approach to the national problems convinced him about the necessity of winning the confidence and loyalty of the civilians. He saw the imperative need for their co-operation in healing the wounds of partition and in restoring stability and good government in the districted land. Reposing absolute confidence in their loyalty and honesty, he invited them to play a leading role in the national reconstruction. The response was splendid.

It was the Sardar's sagacity which brought the Indian Administrative Service into existence in place of the ICS, the dissolution of which was considered necessary for political reasons. The members of both the defunct and the newly-created elite service looked upon him as their *beau ideal*. He wrote to C. Rajagopalachari, Rajendra Prasad and Nehru urging that constitutional guarantees should be given to the civil servants about the security of their service. In fact, he hailed them as persons worth their weight in gold. He did not want any sycophants around him and expected a high degree of initiative and enterprise from the officers that

¹ *The Civil Servant in India* edited by K. L. Panjabi, Bharatiya Vidya Bhavan, 1965, p. 4.

worked for him.

H.V.R. Iengar, a distinguished civilian, has recorded that he once took a decision which was not in accordance with the Sardar's point of view, but he was never made to regret his action. He writes: "When the matter subsequently came before the Cabinet, he (the Sardar) told them that the decision was his, and there the matter ended. The incident made a striking impression on me."²

H. M. Patel, another eminent civilian close to the Sardar, told me that the Deputy Prime Minister was a tower of strength to the civilians. "When he died in December 1950", Patel said, "all the civil servants from the Under-Secretary upwards, met in the Central Hall of Parliament in New Delhi with Sir Girja Shankar Bajpai in the chair to mourn his death. After paying eloquent tributes to his statesmanship, they passed a resolution pledging their devoted service to the nation. Only the Sardar could command such a tribute."³

It is unfortunate that the Services found no such exemplar after his death. Nehru, who had ample opportunities for playing a similar role did not choose to do so. He refused to concede that, though less conspicuous, the bureaucracy is as important as any essential organ of government. He was strangely allergic to the Indian Civil Service and was not prepared to recognise the intellectual eminence of its members. The standard of the Service, according to him, was "necessarily one of mediocrity."⁴ Perhaps, it did not occur to him that more members of the Nehru family, believed to be abounding in intellectuals, entered this Service than perhaps those of any other Indian family. The Pandit evidently thought that his own mental abilities and his personal prestige and influence were good enough for him to accomplish anything without the aid and advice of competent and expert civilians.

Iengar recalls that, while Nehru had many great qualities, he did not have any "particular feeling for administration or the genius required for getting the maximum work out of the large heterogeneous mass of Government servants all over the country". Badrud-din Tyabji, another competent civilian, has recorded that the

² *Administration in India: A Historical Review* by H. V. R. Iengar; three lectures delivered in the Bharatiya Vidya Bhavan in 1966, p. 40.

³ Interview with H. M. Patel on May 10, 1967.

⁴ *An Autobiography* by Jawaharlal Nehru, Allied Publishers, 1962, pp. 441-42.

Prime Minister "was basically uninterested, almost impatient of, if not allergic to formal administration." He gave the impression to those who worked for him that the civil service was at best a necessary evil which had to be tolerated. It is small wonder, therefore, that, while the officers felt honoured by being close to him, they could never have the exalted feeling of taking part in decision-making. His dislike for the bureaucracy and his indifference to its stupendous growth laid the foundation for the Indian administration in becoming notorious for its flaccidity, sloth, slovenliness, corruptibility and indiscipline.

Lesser men in power signally failed to realise the value of the Services for national progress. Many of them in the States saw no use for all-India Services and did everything possible to to humiliate upright and assertive officers. I am aware of several instances where civilians who had rendered meritorious services to the country in the early years of independence later found it impossible to carry on with their political masters in the States. In one instance, an officer who had worked indefatigably and with much distinction to modernise the administration of Hyderabad after the police action in September 1948, had to seek premature retirement after sometime as he could not get on with a Minister who combined insufferable arrogance with pigheadedness.

Another civilian, who had hoped that the office of Chief Secretary in a large State offered him wider opportunities of service, did not have to wait long to be disillusioned. He had coveted that post because during the British period the Chief Secretary was a key functionary who, besides being the administrative head of the Services, was looked upon as the right-hand man of the Government. All that turned out to be ancient history in independent India. Favouritism, nepotism and all the other evils that make insidious inroads into clean and efficient government accompanied the country's freedom and made a rapid and full-scale invasion of the Services. Casteism, regionalism and linguistic chauvinism triumphed over merit for promotion and for appointment to key positions. "What I had taken for granted", writes the civilian who had welcomed his Chief Secretaryship, "to be the foundation of sound administration was now not merely to be questioned but to be cast aside as unsuitable for the new India which was clearly at hand. Both the basis and the superstructure of the Administration were now

to undergo a rapid and complete metamorphosis".⁵

The administrative structure of India, like its Constitution, is based on the British system. In Britain, the political parties have unbounded confidence in the ability, integrity and capacity of its civilians to give sound and impartial advice to their political masters. The Ministers are amateur and part-time administrators and have to lean heavily on their Secretaries in controlling and guiding the departments under their charge. They do so without any mental reservations. Asked whether the socialist programme of his party ran into trouble with right-wing civil servants, the Labour Prime Minister, Clement Attlee, declared emphatically in the negative. "I always found them perfectly loyal", he said.

Harold Wilson, another Labour Premier, dismissed any such doubts as "nonsense". He added: "It's their job to say what a particular policy would mean, to warn you against some of the consequences and to present you with alternatives, but the decisions must be taken by the ministers".⁶ The politicians trust their officials implicitly because the British civil service has succeeded in maintaining a reputation for honesty as great as that of Her Majesty's judges. Besides, the intellectual quality of its members is very high because they are drawn from among the best products of British universities.

In India also the young men that joined the Indian Administrative Service in the early years of independence were noted for their intellectual brilliance. But the quality of this elite service has suffered along with the decline in the standard of the administration. Outstanding university graduates find the private sector more congenial to the exercise of their talent and to improving their prospects. Besides, mettlesome young men, conscious of their intellectual abilities, find service in the Government increasingly uncongenial. Commenting on the limitations of the present-day Ministers, an expert body says that, apart from their inexperience with the administration, they are not "always as highly gifted as the services" in "intellectual capacity and comprehension". Smarting under a sense of inferiority, many of them do everything in their power to penalise talent and to expel it from their departments. They take into their service

⁵ *Under Two Masters* by N. B. Bonarjee, Oxford, 1970, p. 227.

⁶ *The British Prime Minister* edited by Anthony King, pp. 79, 80.

only those who are known for their docility and obsequiousness. "We have reason", says the expert body quoted above, "to believe that, over a period of time, this tendency has been very much on the increase".⁷

It is small wonder that the demoralisation has affected even some of the surviving members of the defunct ICS. Bonarjee has recorded that some years ago he saw more than once two ICS colleagues of his "touch the feet of the then Chief Minister of the United Provinces".⁸ So great is the urge among most of the civilians for personal advancement at the cost of every principle and propriety that even feet of clay are in their eyes transformed into objects of worship. In such a debased state of affairs, it is not surprising if the traditional roles of the civilian and his political master are reversed. Lobo Prabhu, a former civilian, calls attention to the fact that, while the administration has become omnipotent against the public, "it is pitifully helpless against its political superiors at all levels". He says that even the ICS men have not been able to overcome this weakness. He adds: "The attraction of the higher salaries in the Secretariat and special jobs seems to have disposed them to be advised by the Ministers instead of advising them on the basis of their experience and expertise".⁹

The unregulated expansion of the bureaucracy, with the consequent dilution of the administrative standards, has further contributed to the civilians' servility which has assumed the proportions of an epidemic. It has also led to a considerable fall in the quality of the expertise required for running a modern State. We have now reached a situation in the government of the country when the ignorant are leading the ignorant! The glaring discrepancies in the Compulsory Deposit Ordinance, issued by the Union Government in July 1974, support this charge.

The Indian administration has acquired a number of unedifying adjectives. No less a person than Nehru described it as a "jungle" while the Administrative Reforms Commission has

⁷ *Administrative Reforms Commission: Report of the Study Team: Personnel Administration*, 1967, pp. 180, 181.

⁸ *Under Two Masters* by N. B. Bonarjee, p. 151.

⁹ *Pathology of the Administration* by J. M. Lobo Prabhu in *Swarajya Annual Number*, 1974.

appropriately characterised it as an "octopus". The Second World War did much damage both to its compactness and its capacity for efficiency and integrity. Free India has allowed the growth of these evils beyond all bounds of reason. Nehru's impatient idealism, reflected in his Government's social and economic policies, merely led to the proliferation of the bureaucracy without the prospect of any of the goals cherished by him being realised. His suspicion of free enterprise paved the way for the advent of what C. Rajagopalachari so briefly but expressively described as the license-permit Raj. A vast bureaucracy was created to throw a halter around the neck of the enterprising class and to provide personnel for the rapidly-increasing State undertakings. The flood-gates of corruption were thus thrown wide open.

There was little appreciation of the dangerous implications of such a policy. "In recent years", says the First Five Year Plan (1951-56), "perhaps the most conspicuous areas of corruption have been those in which businessmen had to apply for permits and licenses. Supervision and vigilance within the administration were inadequate and illegitimate gains were undoubtedly made". The Plan document further says: "In this connection, the recent growth of the practice among business firms of employing relations or friends of friends of influential persons as 'contact men' needs to be discouraged". The essential task of destroying this nefarious practice when it was still of manageable dimensions was not undertaken. Instead the evil was made to grow and become invincible by a thoughtless imposition of restrictions on free enterprise through the agency of an army of rapacious officials.

For a long time it became a fashion with the politicians to pillory the private sector as if the goods produced by it did not contribute to national wealth. There were certainly wicked and villainous businessmen, but the witch-hunt became so incredibly widespread and sustained that even upright and honest entrepreneurs found it impossible to escape the exactions of greedy and unscrupulous officials. The obsessional belief that the social and economic goals cherished by the politicians could be realised mostly through the exertions of the Government made it impossible for the policy-makers to exercise any check on the size of the bureaucracy which soon grew tremendously in all its chaotic exuberance.

The size of the Planning Commission's personnel furnishes a striking example of the utter irrationality that marks the growth of the bureaucracy in this country. According to Asok Chanda, quoted by Dr. S. P. Aiyar, the staff of the Planning Commission consists of 500 officers, 348 clerical staff, 225 orderlies and messengers. In addition, it employs 45 senior research officers, 81 research officers and 118 economic investigators. "This grand establishment with its air-conditioned rooms", we are told "costs the nation 10 million rupees annually".¹⁰ Who can deny credit to the Commission for so successfully planning the country's poverty?

The Central and State Governments are the most fertile breeding grounds for the bureaucrats who multiply at the rate of 7 per cent a year. The Centre alone is responsible for augmenting the forces of inaction and indiscipline at the rate of 100,000 new entrants annually. The Study Team on Personnel Administration, which reported to the Administrative Reforms Commission in August 1967, had this to say: "In March 1966, the entire public sector employed a total work force of 93.64 lakhs people; or, in other words, one member of every tenth family in India found employment under government". The expert body urged that the problem of redundancy should be dealt with firmly in the interests of both economy and efficiency. Of course, no such action was taken. Instead each ministry was allowed to achieve the magnitude of a government by recruiting the matching personnel, irrespective of the fact whether it had any worthwhile work to do or not. The disease of acquiring unwanted staff has spread to all State Governments, including the semi-Government agencies.

It is a simple fact that if a job that can be done by one person is entrusted to a plethora of persons, it is done either perfunctorily or not at all. This is precisely the position in the country today. Dr. Aiyar is quite right when he says: "It is often difficult to tell who does what, how and when". Diligence has ceased to be a necessary qualification in the service of the Government which has become a vast hive to nurse an army of drones that do no good to anybody. According to a study con-

¹⁰ *Modernization of Traditional Society and other Essays* by S. P. Aiyar, Macmillan India, 1973, p. 131.

ducted by a foreigner a few years ago, Class IV employees spend most of their time loitering in the corridors. He writes: "One calculation suggests that on average they are usefully employed for twelve minutes a day. The rest of their time is spent in reducing the productivity of Class III". Working for 12 minutes a day—how taxing it must be to the energies of these gentlemen! The clerical staff in the Government of Maharashtra disdains to work for more than $2\frac{1}{2}$ to 3 hours a day while the official time is $6\frac{1}{2}$ hours. This kind of sloth and indifference to work has become universal in the Indian administration. The staff of the customs office in a city, for example, has gained the habit of not coming to office in time. Most of its members saunter to their seats 30 to 60 minutes late and do so day after day with complete impunity. Even after late-coming, they find the lure of the canteen and the corridor irresistible so that their desks remain deserted during most part of the day.

Lord Curzon was a great crusader for bureaucratic efficiency and did much to improve it during his Viceroyalty of India. He abhorred sloth and dilatoriness in Government offices. "Nothing", he wrote in April 1899, "has been done hitherto under six months. When I suggest six weeks, the attitude is one of pained surprise; if six days, one of pathetic protest; if six hours, one of stupefied resignation."¹¹ A man of stern discipline, he saw to it that his dynamism was shared by the men in charge of Government departments. After the death of Sardar Patel, India has produced no such disciplinarian and national benefactor. Official files proliferate, acquire bulk and become immobile. As many as one million files were weeded out in 1964 but there were still 3.2 million awaiting disposal by the Union Government. "In sheer desperation", writes Dr. Aiyar, "the (O and M) Division's report began to describe them in terms of miles. The old files in the corridors and verandahs of offices accounted for 125 miles of shelf-space."¹² The Government of India is thus stricken with a grave malady; it suffers from files. This disease is, however, different from the one attributed by a famous British politician to one of

¹¹ *The Life of Lord Curzon* by Earl Ronaldshay, Volume II, Boni and Liveright, 1928, p. 27.

¹² *Modernization of Traditional Society* by S. P. Aiyar, pp. 130-31.

his colleagues.¹³

Apart from the fact that in this country files involving high dignitaries have a convenient habit of getting lost, others in which the members of the public are interested acquire mobility only if they are backed by speed-money. Licenses and permits are made of solid gold for those officials who have anything to do with their issue. The ways of making money by Government servants are indeed as numerous as there are gates to hell. The subject of corruption has been discussed so often in these pages that nothing more need be said about it here. It is enough to add that most persons of all ranks and station in life, ranging from the humble peon to the top executive, succeed in making personal fortunes, their size depending upon the opportunities that come the way of their makers. Is it any wonder that in the Indian paradise of corruption, a peon in a Government office goes to duty in his own car and is reputed to own six taxies? His salary was Rs. 80/- or Rs. 100/- per month when this fact came to be known in August 1969. There are certainly honest officials but a diligent search has got to be made to identify them.

In these circumstances, it is idle to expect official work to be done with the same efficiency and expedition as in the pre-independence years. Government officials have banded themselves together into a powerful trade union which has virtually destroyed the capacity of the Government to make any significant changes designed to improve the efficiency of the administration. The officials have, therefore, none to fear, no matter what they do and do not choose to do. They know that there is no effective public opinion in the country. An ill-fed, illiterate, disorganised and apathetic people are incapable of reminding the petty tyrants that their behaviour is least becoming of them as "public servants".

The observations of Dr. Appleby prove conclusively that there is a world of difference between the attitude of the Indian people towards their Government and that of the Americans towards theirs. He writes: "In our democracy we believe that Government is there to serve the people. A man writing to Government is

¹³ The British trade union leader, Walter Citrine, was reputed to have had a card-index mind. Commenting on this, Aneurin Bevan, that great crusader against cant and humbug, said: "Poor fellow, he (Citrine) suffers from files". (*Aneurin Bevan, Biography by Michael Foot, Volume I, 1962, p. 178*).

entitled to a reply. If he does not get one, he will probably call the office of the Senator or the Congressman of his district and that gentleman will raise hell with the Department". The American expert knows that the Indian people have no such means of redress. He further says: "Apart from procedure, the fundamental difference between our democracy and yours is that of attitude. *Your people are evidently accustomed to not getting replies from Government*" (*Italics mine*). Efforts by some individuals and institutions to prod the somnolent Leviathan into purposeful activity have proved singularly ineffective. The Indian bureaucracy has no heart or conscience to be appealed to. It has grown into a monstrous creature, out to suck the blood of a starving people.

The Study Team on Personnel Administration, reporting to the Administrative Reforms Commission, called attention to the fact that by early 1967 the total wage bill of the Central Government alone stood at Rs. 567.6 crores. Since then there has been an enormous increase both in the number of the bureaucrats and in the scale of their remuneration. Today their numerical strength is well over one crore while the disbursements to them exceed the total tax revenues collected by the Union Government. A writer points out that the average emoluments of a Government employee in the shape of salary, overtime payments, dearness and other allowances are Rs. 400/- per month. On this basis, the total annual wage bill of one crore of these persons is some Rs. 5,000 crores. "This", he says, "is more than the tax revenue collected by the Central Government in 1972-73".¹⁴

The Government has been talking about "economy drive" without the courage to launch it. In June 1974, the Union Finance Ministry was stated to have asked the other ministries to "effect economy in all possible fields of expenditure". The Ministry would have been extraordinarily naive if it could believe that its exhortation would yield even a modicum of results. Extravagance has become a disease of the Government and of the affluent sections of the community in this country—a disease for which there is no easy cure. During the early and mid-sixties when the country was overcome by a series of crises, it

¹⁴ *Wages of Inflation: A Bloated Bureaucracy* by Prem Shankar Jha, *The Times of India*, August 28, 1973.

should have been possible to stem the tide of governmental expenditure, but no such statesmanlike action was taken. Even during that period the bureaucrats multiplied annually by more than 7 per cent while their wage bill grew at the rate of 17 to 18 per cent a year.

The Government, which fleeces the honest tax-payer to death in the name of financing the national development, wantonly dissipates the scarce resources of the country in nursing an army of men who have become brazen-faced in doing every irregular thing which true public servants should never be guilty of. Till recent past, it pampered them for political reasons, in flagrant violation of all considerations of equity and prudence. Today they have become all-powerful, reducing their employers to impotence. Will the Government, which uses its coercive powers so readily and so pitilessly against honest citizens, venture to harness them to the constructive purpose of cutting the overgrown bureaucracy to size and succeed in inducing some degree of discipline and responsibility in its behaviour?

In India today we find ample confirmation of the views of Confucius on government.¹³ In July 1969, the Prime Minister was in an extraordinary hurry to take the country towards her goal of socialism by forced marches. On the 19th of that month, she got the fourteen major banks of the country nationalised through an ordinance, asserting that such a precipitate course of action was necessary to gain access to the "commanding heights" of the economy. Though her aims were dim, the intention behind such a serious action, taken so suddenly and without proper deliberation, was clear. She was waging a war on her powerful colleagues known as the "syndicate" and was determined to worst them in the encounter. Nothing else mattered, although she gave her action an ideological garb to win the plaudits of

¹³ Confucius, the great Chinese thinker of the pre-Christian era, was one day travelling through a thick forest with his followers when they saw a woman crying bitterly under a tree. The sage sent one of his men to ascertain the reason for her grief. The woman told the young man that a tiger has claimed the lives of her husband and sons within a fortnight. When she was asked to take refuge in a nearby town, she replied: "Ah, you have a Government there!" The great man asked his followers to draw a moral from the episode. "You see" he said, "a bad government is more dangerous than a man-eating tiger".

the masses.

As anticipated by all right-thinking persons, bank nationalisation has proved a costly failure. On the very day this rash step was taken, C. D. Deshmukh, former Finance Minister who had also been the Governor of the Reserve Bank of India, expressed the fear that there might not be the machinery to give proper direction to the nationalised banks.¹⁶ There have certainly been some gains from such a step. In five years since their nationalisation, the banks increased their branches from 8,000 to 17,000 and saw the augmentation of bank deposits from Rs. 620 crores to over Rs. 1,800 crores. But these gains, though impressive, have in no way advanced the cause for which the banks were brought under State control.

No careful plans were made to ensure an equitable distribution of credit so that big borrowers managed to receive even more credit from the banking system than before nationalisation. Again, credit and banking services were distributed so unevenly in the country that many regions that needed them most found themselves left high and dry. Agriculture, the mainstay of the national economy, received barely 9 per cent of the total bank credit while as much as 64 per cent was claimed by industry. The major beneficiaries of this meagre allocation were big farmers. "At present", says a knowledgeable writer, "two-thirds of all agricultural credit goes to the owners of large farms while only one third goes to the operators of small or medium farms (defined as those who obtain less than Rs. 10,000 of credit). If this ratio remains unchanged, approximately Rs. 750 crores out of Rs. 1,000—1,200 crores of agricultural credit in 1979 will go to the big farmers".¹⁷

The most deplorable fact about the nationalised banks is the collapse of efficiency. Banking is a service-oriented industry and it is impossible that its employees can function like their counterparts in the Secretariats. Accuracy and promptness are the hallmark of a sound banking system. The employees of most of the State-controlled banks have discarded these qualities with contempt. I say this from my own experience and have

¹⁶ *The Indian Express*, July 20, 1969, p. 1.

¹⁷ *The Nationalised Banks: Lessons of the Last Five Years* by V. A. Pai Panandikar, *The Times of India*, July 15, 1974.

not ceased to marvel at the rapidity and thoroughness with which nationalisation in this country can dehumanise and demoralise people. Most of the men we saw before 1969 and we see today are the same, but while they were then the very embodiment of courtesy and promptness, today they function as if work is an evil and an infliction. They smile at you as before but it has become a dreary formality with no warmth in it. Their promise to serve you as before is not worth a tinker's cuss.

All those who have anything to do with the nationalised banks are frustrated and angry. No less a person than the Union Finance Minister is least proud of their achievements. The General Secretary of All-India Bank Employees' Association concedes that his comrades are neither industrious nor efficient. But no effective remedial measures are either contemplated or possible. Trade union solidarity makes any such reform impossible.¹⁸ And yet all must applaud nationalisation as indispensable to *garibi hatao*. How well poverty is being pushed back by the employees of the nationalised banks was revealed by the Union Finance Minister in November 1973. He told the Lok Sabha that the total overtime allowance paid to them from January to June of that year was Rs. 415 lakhs.

The Minister explained that such a large additional amount was paid to them because of their agitation during working hours, more than normal absenteeism, non-co-operation, and insistence on doing certain types of work only on payment of overtime. The final part of this dismal story was narrated by the Minister of State for Finance who told the House that the total amount of overtime allowance paid to employees in all Central Government establishments during 1972-73 was around Rs. 51 crores. Is it any wonder that peons in the Life Insurance Corporation, another nationalised undertaking, feel that a maximum monthly salary of Rs. 726 is not enough for them?

The railways are the biggest employers in the country and have on their pay roll 14 lakh regular workers besides 3.17 lakh casual labourers. Since independence, the railways have become the sinks of corruption, inefficiency and indiscipline. There were certainly malpractices in them during the British period but they were of manageable dimensions. It is true that there has been

¹⁸ *Banks Take-Over a Flop*, *Financial Express*, July 19, 1974, p. 8.

an enormous expansion of rail transport, but there has also been a corresponding widening of the area of corruption and inefficiency. There is no ineluctable law according to which expansion and incompetence should go hand in hand. As in the other departments of government, the debasement of the railway services should be traced to the scheming politicians. The Wanchoo Committee on railway accidents was told by witnesses with remarkable unanimity that discipline in the railways had suffered a sharp decline, thus "impairing the day-to-day working and in turn affecting the safety of train operations".¹⁹ This had become inevitable because a certain Minister in charge of the Railways had seen to it that it was honeycombed with men of his own caste, irrespective of their abilities or aptitudes.

One has, however, to be large-hearted when talking about corruption in the railways since it has now become a national way of life. But what is remarkable about them is the gross disparity that exists in the scale of remuneration that is paid to the different categories of their employees. A large number of railwaymen are virtually paid starvation wages. The twenty-day general strike by railwaymen in May 1974 would probably have been unnecessary if their leaders had made it clear that their concern was primarily for these less favoured sections. In the present parlous condition of both railway and national finances, the crusaders for higher wages and salaries should have shown how the demands of the railwaymen could be met without causing greater financial financial embarrassment to the Union Government. No such constructive approach was made by the union leaders. The Chairman of the National Co-ordination Committee for Railwaymen's Struggle in particular chose to behave like a stampeding pony, some of his utterances smacking of an ultimatum to the Government. There was a wide feeling that he was concerned more about winning a political battle than about seeking the removal of the legitimate grievances of the railwaymen. The belief that he would not agree to any settlement unless the Government committed itself to incur an additional expenditure of Rs. 480 crores a year made any understanding between the two parties impossible.

The railwaymen's strike of May 1974 constitutes a dark

¹⁹ *The Times of India*, September 8, 1969, p. 11.

chapter in the contemporary history of India. By disorganising the life of the country for twenty long days, it contributed to the deepening of the national economic crisis. In that period, the railways lost Rs. 50 crores in traffic earnings while the country suffered a loss of over Rs. 500 crores. The railway workers themselves lost some Rs. 25 crores by way of wages. The tribulations of the people, and more especially of those living in large cities, were indescribable. In an attempt to overcome the transport problem, the most inconceivable types of substitute conveyances were pressed into service, as if their users were no better than cattle. The trail of bitterness left behind by the strike could not be easily removed. Embittered by their failure to have their own way, the railwaymen returned to work determined to introduce greater chaos into the working of the country's crucial transport system.

Bouquets were presented to the Railway Minister and far more lavishly to the Prime Minister for standing "firm" against the railwaymen's pressure. It is inconceivable what else they could have done, considering the magnitude of the demands made on the Government and the embarrassed state of its finances. The Government cannot, however, be excused for allowing such a situation to develop. Castigating the Opposition parties for appealing to her to be generous to the striking railwaymen, the Prime Minister asked on May 9, 1974 which of them had done "more for labour than we have done". She would not concede that the real trouble lay in such misconceived generosity, with its origin in calculated political motives. A striking example of the Centre's irresponsibility in financial management is provided by the fact that since 1960 it chose to enhance the emoluments of its employees more than a dozen times.

It is, therefore, least surprising that there is complete chaos in the wage policy of the Union Government and consequently of the State Governments. In this land of ours, the salutary principle of "a fair day's work for a fair day's wage" has been buried ten fathoms deep. This is precisely the reason why there is no limit either to the size of the bureaucracy or to its demands. A few years ago, a prominent Socialist leader rightly declared that the law of the jungle prevailed in the world of wages. He said that "the lack of any sense of involvement and social responsibility has become so general that it has affected even those

who are employed in the top echelons." Maximum pay and minimum work—that indeed is the new philosophy that has caught the imagination of all classes of employees. Nehru's slogan "aaram haram hari" (indolence is an ignoble trait) is remembered by none.

The growing indiscipline in Indian Airlines compelled its Chairman, Air Chief Marshal P. C. Lal, to propound the commonplace dictum that the management should have the right to manage. Referring to the workers' opposition to the new shift system, he said on December 9, 1973 that the aim of the proposed new arrangement was "to get more work, efficiency and reliable and economical operations". There was no intention to curb overtime. The airlines pilots were required to fly for 65 hours in a month and a maximum of 6½ hours of jet flying per day. In actual practice, Lal said, they were flying two hours per day and a total of 52 hours during an entire month. He complained that when he attempted to increase the duty hours according to the provisions of the law, he was accused of "curbing trade union rights". He recalled that ten years before pilots used to fly for 70 to 80 hours and at times even 100 hours in one month although the aircraft in those days were not so good as those of today.

He cited a number of instances to show the indifference of pilots to productivity and of the employees of Indian Airlines as a whole to the need for reducing costs which were shooting up following the "tremendous rise in fuel prices". The Chairman recalled that nearly 440 pilots of the airline drew on an average Rs. 64,000 a year by way of wages and allowances. Night-stopping by the flying crew at some stations involved considerable expenditure. Besides transport, accommodation had to be provided for them in five-star and four-star hotels. In addition, they had to be paid a stay-over and travelling allowance of Rs. 265 for each night. Such payments were free of income-tax. Lal maintained that rationalised working could eliminate a good deal of wasteful expenditure, leading to a saving of some Rs. 20 lakhs. Such economy measures did not appeal to the employees.

In August 1974 the management had again to assert its right to manage the airways according to its best judgement when this time the pilots of Air-India refused to accept its eco-

nomy measures on the basis of what is called the "slip system". The pilots were not prepared to submit to any change in their earnings as a result of rationalised working, although they took home as much as Rs. 10,000/- a month! The management was, therefore, forced to declare a lock-out involving some 200 striking pilots.

Such is the position in nearly every branch of the administration. The Police Force has never been popular. During the British period, it was accused of sustaining foreign rule. Its critics failed to realise that the police have no politics and that they are taught to maintain the peace and order of the country in loyal support of the Government they serve. While they were misunderstood and maligned in the past, national freedom has brought no improvement in their position. Apart from the fact that there has been a vast increase in their workload, they have to perform a bewildering variety of duties, often at great risk to their lives and limbs. The number of police victims to mob and terrorist violence has increased enormously since independence.

The growing misrule by the politicians has brought greater unpopularity to the police who have to perform many unpleasant duties under the orders of their masters. The quelling of student disturbances, for instance, cannot be a welcome undertaking. The dangerous conditions in which the police have to work these days was well stated by a senior Police Officer of Bengal. He called on his men to face the "risks of a battlefield in performing their duties".

The police are like any other category of civil servants and it is idle to expect them to transcend the weaknesses of their class. There is growing corruption in the police force because the whole country reeks of this evil. The salaries and the living and working conditions of its members in the lower cadre are so poor that they are compelled to compromise with their scruples about personal integrity. Besides, the avenues for bribe-giving and bribe-taking have increased so much and resort to illegal gratification has been made so easy, normal and safe that one has to be extraordinarily rectitudinous to resist the temptation of making easy money.

It is impossible to put a limit to demoralisation once it sets in. This is the portrait of the police force painted by a Judge of the Allahabad High Court: "If I had felt with my lone

efforts, I could have cleared the Augean stable which is the police force, I would not have hesitated to wage this war single-handed. . . . There is no single lawless group in the whole country whose record of crimes comes anywhere near the record of that single organised unit, which is known as the Indian Police Force". The political alchemists of India have certainly a unique knack of converting even gold into dross!

The Indian bureaucracy has thus become not only incompetent but oppressive and heartless. Most of its members have abandoned all pride in their avocations and a sense of obligation to their motherland. Their exemplars are the politicians whose own lapses make it impossible for them to teach the wrong-doers the error of their ways. Destruction of public property, involving considerable loss, has become an integral part of popular agitations. This is not surprising since the Government servants are equally indifferent to the need for safeguarding national assets from loss or damage. The exposure of costly equipment, imported from abroad, to the inclemencies of the weather for months and even for years has ceased to be a rare occurrence. The disruption of power supply to Punjab, Haryana and Chandigarh from Bhakra in April 1974 was attributed to the sabotage of a power line tower. Such suicidal and anti-national activities are becoming frequent.

It is idle to expect the country to move forward by tying such a bureaucratic millstone around its neck. If the public administration is to be inspired by a genuine sense of mission, it must be drastically purged, pruned, purified and made truly honest and efficient. Professor V. M. Dandekar holds that employment in the public sector, both in the administration and in the undertakings, may have to be reduced by almost one-third. He writes: "It is believed that this would do no harm but actually improve administrative and productive efficiency". He adds that this is not politically possible as the employees are well-organised.²⁰

Many European countries, whose economies were shattered during the Second World War, have been able to make a remarkable recovery, thanks to the devoted labours of their civil service. For instance, France and Germany have achieved an "economic

²⁰ *The Illustrated Weekly of India*, October 21, 1973.

miracle" because their administrative systems are endowed with a wealth of skill, enterprise and leadership. Till some years ago, France was plagued by political instability, but this fact in no way hampered the country's progress because of the remarkable continuity of its administration. "The permanence of France", says a writer, "and the French state has been a theme of the administrators who have served successive regimes and personified France better than the nominal rulers."²¹

In Asia, Japan has set a shining example in national regeneration through the devoted labours of its civil service. Neither their defeat in war nor the destruction of the enormous resources of their country forced the lion-hearted Japanese people to surrender to despair. They rebuilt their battered economy with remarkable skill and pertinacity, and soon regained their pre-eminent position among the industrially advanced countries of the world. Much of the credit for this amazing recovery goes to the Japanese bureaucracy which is among the ablest in the world.

The Japanese have a unique system of enriching their national life through their civil service which attracts the most brilliant university graduates to its ranks. The civilians are put through their strides in all the important nation-building departments and are thus enabled to acquire practical experience and versatility in running the administration. Many of them eventually emerge as captains of industry, as bankers and as political leaders, including Ministers and Prime Ministers. The Economic Planning Agency (EPA), a branch of the Prime Minister's office, is manned by some of the ablest civilians who have won renown as the most practical-minded persons in formulating their country's economic policies.

In a highly eulogistic article entitled "The Most Intelligent Bureaucracy", the London *Economist* wrote on May 27, 1967 saying that the men in charge of EPA shunned slogans and shibboleths. They were utterly dedicated to the "thrilling business which is what this great experiment of trying by deliberate policy to raise the living standards of a people should become". They were endowed with a remarkable flexibility of mind which en-

²¹ *Public Administration in France* by F. Ridley and J. Blondel, Routledge and Kegan Paul, 1969, p. xii.

sured the feasibility of their plans. It was this fact which accounted for the great difference between "so-called, western planning and the Japanese EPA's planning"—a difference which stuck up "like banners in the sky".

The Ministry for International Trade and Industry (MITI), which does not have its exact equivalent in other countries, has also acquired a formidable reputation for efficiency. Its members are given powers commensurate with the responsibility of their organisation to advance the commercial interests of their country abroad. MITI has only 12,000 persons on its staff, but they make the most competent and hardworking fraternity and attend to a gross national product "similar in size to that of Britain or Germany". Official intervention in the affairs of industry in these two European countries is far less than in Japan. Even so, the equivalent civil service departments in them are "at least twice as large, and in the case of Britain, probably four times as large".²² It is small wonder that the Japanese people have full faith in their civil service. They know that it is deeply committed to strive for the progress and prosperity of their country and has set about its task most methodically and scientifically.

Every right-thinking Indian desires that the public administration of his country should attain similar standards. Can such a goal be realised under the present political leadership whose strength consists solely in beguiling the credulous masses with meretricious slogans and promises? A radical reformation of the bureaucracy will be little short of a revolution in this country. Such a great task can be undertaken only under a new political set up which will be discussed in the last chapter.

²² *Japan Surges Ahead: Japan's Economic Rebirth* by P. B. Stone, Weidenfeld & Nicolson, 1969, pp. 49, 50, 52, 53.

8. THE HUNGRY MILLIONS

How poor is India? Was she always poverty-stricken? Is there no deliverance for her millions from hunger and living death? Never academic, these questions have acquired added relevance in these days of shortages and spiralling prices and of acute suffering among the people. Professor Gunnar Myrdal, the eminent economist, writes: "Some of the characteristics commonly ascribed to South Asians—their bent to contemplation, their other-worldliness, their passivity, and their appreciation of leisure etc., sometimes on a more intellectualized level reflected in religious doctrine, philosophy, or the belief in specific 'values' of a country or of all Asia—may, in fact, be due to deficiencies in nutrition and health".¹

So far as India is concerned, neither her philosophy nor her religion has emanated from fevered brains or starving stomachs. The originators of Indian thought declared with complete certitude that a civilization without a philosophy was like a temple without the holy of holies. They did believe in the doctrine of other-worldliness, but in their time the country had an abundance of everything to make life comfortable and enjoyable.

Lord Buddha, an outstanding rationalist of ancient times, knew that metaphysics without laughter was immodesty. He loved and admired his motherland. In his last hours, he said to Ananda, his favourite disciple, after beholding the splendid shrines and sanctuaries of Vaisali and the scenic splendour of the city's outskirts, *citram jambudvipam, manoramam jivitam manusvanam* "colourful and rich is India lovable and charming is the life of men".²

Megasthenes, the Greek ambassador at the court of Emperor Chandragupta Maurya, has left behind an authentic account of the state of India in the fourth century before Christ. He wrote that the country abounded in fruit trees and fertile lands which

¹ *The Challenge of World Poverty* by Gunnar Myrdal, A Penguin International Edition, 1971, p. 95.

² *2500 Years of Buddhism*, General Editor P. V. Bapat Foreword by Dr. S. Radhakrishnan, Publications Division, Government of India, 1956, p. vii.

yielded rich harvests through assured supplies of water. "The inhabitants", he said, "in like manner, having abundant means of subsistence, exceed in consequence the ordinary stature, and are distinguished by their proud bearing. They are also found to be well skilled in the arts, as might be expected of men who inhale a pure air and drink the finest water".³

According to some authorities, India's population in the days of Buddha and Mahavira was barely 15—20 million so that the problem of sustenance never arose in a land abounding in everything. The zest for life was fully reflected in the art, architecture and literature of the people. The gods and goddesses created by poets, painters and sculptors were invariably young and handsome, with rounded and well-nourished bodies. Though they were occasionally depicted as grim and wrathful, their faces were illumined by a charming smile. Even the monolithic rock-cut image of the medieval Jaina saint Gomateshwara at Sravana Belgola in Karnataka is full of calm vitality. The philosophers were free to speculate on the Absolute, but the masses of the people remained uninhibited in the enjoyment of the sweets and delights of the worldly life.

There is no doubt that till recent centuries the country was plentifully supplied with food, but even from ancient times nature's gifts have not been evenly shared by all its parts. Then, as now, famines, floods and droughts afflicted this vast land. Historical and other literature of the medieval times often refers to terrible famines. The famine of 1630-31 in the Deccan was unparalleled for its devastating impact on the life of man and beast. According to an observer, "the whole land between Gujarat and Golkonda had become one vast charnel-house". The pangs of hunger drove the people to cry "Give us food or kill us".⁴

Britain's economic policy in India, involving a large-scale and sustained exploitation of her resources for the benefit of her foreign rulers, transformed her into a land of hunger. Along with the

³ *Ancient India as described by Megasthenes and Arian*; being a translation of the fragments of the Indika of Megasthenes collected by Dr. Schwanbook, and of the first part of the Indika of Arian by J. W. McCrindle, 1877, pp. 30, 31.

⁴ *History of Medieval Deccan (1295-1724)*, Editor Prof. H. K. Sherwani, Joint Editor Dr. P. M. Joshi, Volume I, published under the authority of the Government of Andhra Pradesh, 1973, pp 559-60.

poverty of the people, the population grew by leaps and bounds under the stable government of the Raj. Almost every article worthy of export was taken away from the country. Not only the raw materials for the British industry, but even foodgrains were exported by ignoring the imperative needs of the local population. Inevitably, famines became more frequent and were quite numerous during the reign of Queen Victoria. They ravaged the country in 1837, 1860, 1866, 1869, 1874 and 1877. The famine of 1877, which claimed more than five million lives in British India alone, was a "calamity unprecedented in its intensity within the memory of living men". In our own time, the Bengal famine of 1943 killed more than a million people, besides gravely undermining the health of many more millions.

Imperial Britain's interest in Indian welfare could only be superficial. Although the food problem faced its government throughout its stay in this country, no permanent solution was attempted. Nevertheless, its record in this field was not wholly sterile. Irrigation, an ancient Indian art, received the attention of Lord Dalhousie, the Governor-General, who pioneered its revival. By 1940 as many as 32½ million acres of land was brought under irrigation, the chief beneficiaries of this boon being Punjab and Sind. Again, the famine code of 1883, with its subsequent refinements, was of great value in harnessing the new resources of science and planning to mitigate the rigour of this terrible scourge. Even during the trying years of the Second World War, when there was a real shortage not only of essentials like foodgrains, but also of shipping to bring imports, the Government managed to keep supplies and prices steady by a well-organised system of procurement and distribution.

In the matter of food, the responsibilities of the rulers of free India were clear and inescapable. They had raised great expectations in the minds of the masses and it became the first and foremost duty of the new government to ensure that they ate at least two square meals a day. It followed that an increase in food production and an effective control over the rising population demanded the greatest attention. Though the economy was weakened by the partition of the country, there was much scope for its revival. The foreign exchange balance in India's favour was sizable and amounted to Rs. 1,400 crores. The value of the rupee, which was close to hard currency, was high. In addition,

the war had given a fillip to industrial development. The task of statesmanship lay in making a judicious use of these assets to promote the country's economic progress.

The planners accepted the principle of "food for all" as the basis of the new economic policy but no serious attempts were made to realise this goal. As the British economist, Barbara Ward, put it, Indian planning is stronger on thinking things out rather than on getting things done. Greater weightage was given to industry despite the fact that 70 per cent of the population depends on agriculture for its livelihood. Even after a quarter of a century of planning, self-sufficiency in foodgrains even at the depressed nutritional level has remained utopian. It is true that foodgrain production increased from 55.05 million tonnes in 1950-51 to 103.61 million tonnes in 1973-74, but the unchecked growth of the population has virtually neutralised these gains in terms of *per capita* availability.

There is breeding storm of a frightening magnitude in this country. As against 363.4 million people inhabiting it in 1951, it had to feed, clothe and find habitable homes for as many as 574.2 million persons in 1973. In other words, the population has increased by more than 210 million in a little over two decades.³ The economy, whose expansion has been most sluggish, is unable to cope with such a vast mass of humanity. In the 1960s as much as 60 per cent of the increase in national income was eaten up by the growing population. While the *per capita* availability of foodgrains was 480.2 grams per day in 1965, it declined to 448.4 grams in 1974.

A good part of these meagre supplies consisted of the imported variety. During the first plan period the import of foodgrains was of the order of 12 million tonnes; the figure rose to 17 million tonnes during the second plan period and was nearly 26 million tonnes during the ensuing five-year period. Bold assertions by the politicians about self-reliance notwithstanding, India continues to depend heavily upon imported foodgrains which totalled the staggering figure of over 92 million tonnes in the period 1951-73. A serious hunger crisis would have overtaken India and other big

³ For figures 1951-61 source: Economic Survey of India; for figures 1961-63 Economic Survey of India, 1973-74.

under-developed countries in 1965 and 1966 if the United States of America had not fortuitously acquired huge surpluses of food-grains and made them available to the needy nations under Public Law 480.

India's disastrous failure on the food front should be attributed to her planners' amateurish approach to the agrarian problems. Rightly did Dr. Norman E. Borlaug, Nobel Laureate, ask in New Delhi in March 1974: "Can those who have never known the pangs of hunger frame a realistic policy for increasing food production?" Like Nehru and his daughter, most of the members of the Planning Commission are city-bred and have little practical knowledge of the agricultural problems of the country.

It is small wonder, therefore, that Indian agriculture is still weighed down by the traditional techniques of production. It is in fact characterised by an extensive use of land combined with a high man-land ratio which has led to real income from farming being distressingly low. Much is being said about the "green revolution." It has become the favourite theme for the politicians' oratory, but it has not taken the country anywhere near the goal of self-sufficiency in food production. There is no doubt that the green revolution, with the "miracle seeds", has benefited the world since it marks a technological breakthrough in agricultural production.

Its scope is, however, limited in India as the improved seed prospers mostly in irrigated land. Apart from the fact that the application of new techniques is confined to a few states like Punjab and Haryana which have ample irrigation facilities, increased production has so far been secured only in wheat and not in other foodgrains. The problems posed by dry farming continue to defy the agricultural scientists. In some areas, the "miracle seeds" have displaced lower-yielding pulses and oilseed crops containing better quality protein.

Agricultural planning has gone wrong because the Government has neither the will nor the administrative competence to ensure its success. The benefits of generous plan allocations for agricultural development have mostly accrued to big landlords. The provision of modern farm inputs and equipment, including a liberal supply of electricity, at subsidised rates has brought immense prosperity to them. This new class of men has gained complete ascendancy over the social, economic and political life of

the countryside which the Government is incapable of challenging effectively. They are in fact king-makers in the state capitals. The All-India Congress Committee Panel on Economic Policy warned in its report of December 1969 that the growing imbalance in the development of the rural economy was not in the best interests of the country. It also called attention to the "diversion of rural surpluses into conspicuous consumption".

The Panel recalled that as far back as 1936, the Congress had recommended that "agricultural incomes should be assessed to income tax like other incomes". It urged that the Centre's Plan assistance to the states should be related to the additional resources they were prepared to raise by imposing this tax. Again, large investments in major and minor irrigation projects, including the provisions of electricity, had led to a 'phenomenal' increase in the productivity as well as the value of land. It would, therefore, be in the fitness of things that the beneficiaries of these facilities were made to pay a betterment levy. The Panel thought that small holdings below seven acres should be exempted from this impost. It was emphatically of the opinion that big farmers should not on any account receive State subsidy for their agricultural operations. "The question of subsidy, if at all", it said, "should be considered for holdings less than three acres".

The fact that the uneven distribution of economic benefits, arising out of the Government's ill-planned support to farm production, has widened the gap between the big landlords and others, is now recognised by the policy-makers. The recommendations of the Raj Committee for levying an agricultural holdings tax by the state governments have underlined both the necessity and the urgency of such action. The Union Finance Ministry has been frequently emphasizing the need for the state governments to draw more revenues from the rural rich in order to reduce their budgetary deficits. The parlous state of the national exchequer has forced the Centre to be even more importunate with its plea. While presenting the second budget of the year in Parliament on July 31, 1974, the Finance Minister asked the states "to exploit fully the potential offered by agricultural taxation". Since most states regard tax on agriculture as a political dynamite, not much is likely to come out of such exhortations.

Nor has the scheme for the distribution of surplus land among the landless been a success. In most of the states, the legislation

on land ceiling has virtually become a deadletter. Since the ruling elite hails mostly from the countryside and is dependent on the rich peasants to sustain itself in power, there is a marked disinclination on the part of the state governments to enforce the land ceiling laws with any degree of strictness. As the scheduled castes and the Adivasis, the most destitute sections among the landless, are intended to benefit most from this legislation, they become helpless targets of the powerful big landlords. The growing persecution of the Harijans in the villages should be attributed to this fact.

The Government's policy of giving a fair deal to the weaker sections of the population has come to nothing. The validity of the land ceiling scheme in a country where most of the farmlands are already uneconomical in size, is very much in doubt. In any case, the pusillanimity of the Government to enforce the scheme makes its failure inevitable. Dr. B. S. Minhas writes: "In view of the alienation of our rulers from the people, and because of the political opportunism of their apologists, the chances of flushing out surplus land in significant magnitudes in the foreseeable future are indeed remote."

Thus, the impetus to higher agricultural production is frustrated by the wrong policies of the Government. There is neither the will nor the ability to avoid the mistakes of the past. "Our perception" to quote Dr. Minhas again, "of the role of agriculture in our development strategy continues to be just as defective today as it was during the second and the third plans". Knowledgeable foreign observers have also reached the same conclusion. Commenting on the Government's agrarian policies, Professor Gunnar Myrdal says that they "are overtaxing the weak administration and are opening up a vast new field for corruption".⁷

The statistics about the *per capita* availability of foodgrains do not reveal even partially the extent of poverty and hunger that exists in the country. They certainly do not mean that in whatever quantities the foodgrains are available, they are being equitably distributed among all. In a big state like Maharashtra, claiming to be progressive, sufficient supplies cannot be obtained for

⁶ *Radicalism and Democracy* by B. S. Minhas, the second of the three articles published in *The Hindustan Times*, May 1974.

⁷ *The Challenge of World Poverty* by Gunnar Myrdal, p. 217.

love or money. On September 5, 1974, the Minister of State for Home declared candidly that it was beyond the capacity of the Government to meet the colossal food deficit of 3 million tonnes a year.

Apart from inadequate supplies, the purchasing power of large sections of the country's population is so low that they cannot afford to buy even one whole meal a day. Rampant inflation has virtually destroyed their capacity to buy anything. According to the National Sample Survey, conducted in July 1967-June 1968, the poorest 5 per cent of the population spent about Rs. 9 on an average person per month, that is, about 30 paise per person per day. For the next poorest 5 per cent the averages were Rs. 13.45 in rural areas and Rs. 14.84 in urban areas. The bulk of this expenditure, especially in the villages, was on food, only 10 per cent of it being devoted to clothing and other non-food items.³ How these submerged millions could assuage their hunger and hide their nakedness with such a pitifully small expenditure, they alone knew. It is by seeing such poverty that Mahatma Gandhi felt called upon to say that life somehow persisted in India.

The extent of Indian poverty is variously estimated but all authorities are agreed that it is widespread. In a pamphlet published by him in 1970, a southern politician, who is now a Union Minister, called attention to certain statistics, according to which 34 per cent of the Indian people "eke out an existence of sub-human level with a *per capita* expenditure of less than Rs. 15|- a month in rural areas". A good number of them could not spend even Rs. 10|- a month. With a debased rupee, the value of which is now less than 30 paise, it is incredible how these people manage to keep their body and soul together.

To the majority of Indians life is thus one long night of suffering without light or laughter in it. Any hope of their seeing better days has been scotched by the Government leaders themselves. Did not the Minister of State for Planning tell the Lok Sabha on August 9, 1972 that it would take 30 to 50 years for the poorer sections of the population to reach minimum consumption levels? Earlier, did not a Member of Parliament from Tamil

³ *Poverty in India : Measurement and Amelioration*, A brochure written by Professors M. Mukherjee, N. Bhattacharya and G. S. Chatterjee, Pamphlet 73, published by Commerce of Bombay, January 1974, pp. 6, 7.

Nadu remonstrate with the Union Finance Minister for talking constantly about the country's growing economic difficulties as a "passing crisis"? The poor people, warned the member, would pass away if the minister persisted in airing his illusory optimism.

Water is more important than food and yet over 60 per cent of India's population does not have it for safe drinking. "It is a disgrace", says a writer, "that even twenty-six years after Independence as many as 2,00,000 villages have to make do with dirty water unfit for human consumption."⁹ In August 1974, it was reported that more than 50 per cent of Orissa villages had no drinking water facility. The provision in the fifth plan is too small to finance this big but essential project adequately. In many states, funds earmarked for the water supply schemes are diverted to other purposes. A large part of foreign aid to promote the welfare of the rural community is allowed to lie idle since the state governments are not prepared to meet their counterpart obligation.

India is a leading textile manufacturing country and yet the majority of her people are ill-clad. In 1951 the *per capita* availability of cloth for home consumption was 11.0 metres and it rose slightly to 12.01 metres in 1973. The figures for the earlier years are: 1970 13.6 metres, 1971 12.4 metres and 1972 13.2 metres.¹⁰ These statistics, like those of food, are deceptive because the poorer sections of the population cannot buy even this quantity of cloth. Even in great textile centres like Bombay, hundreds of children from the slum areas can be seen going about stark naked. During the 1972-73 drought in Maharashtra, some women in the Ahmednagar district had nothing to wear. The Chairman of the Maharashtra Legislative Council, who gave this information, said that a woman could not open the door of her house even to receive help because she was naked.¹¹ In a southern city a woman stole a sari from a shop in broad daylight. She explained to the trial Magistrate that she was forced to do so to hide her shame.

Housing is yet another dependable tool for assessing the economic condition of a people. Here also the common man in India has drawn a blank. Posing a problem of gigantic proportions, rural housing has remained as unsatisfactory as ever before. The

⁹ *The Financial Express*, February 1, 1974.

¹⁰ *Indian Textile Bulletin*, February 1974. The figures for 1973 taken from the Annual Report 1973, of the Indian Cotton Mills' Federation.

¹¹ *The Times of India*, August 28, 1973.

poor continue to live in narrow, dark and dingy mud huts with thatched roofs. Their belongings are a few broken utensils, most of them being earthen. It is cruel to talk of furniture and wardrobe when discussing the living conditions of a people with distressingly insufficient and uncertain incomes. The village housing scheme, drawn up in 1957, has yielded no significant results — a fact that is conceded by the Planning Commission itself.¹² Rich landlords and political busy bodies have, however, built magnificent mansions for themselves, thus widening the gulf between them and the indigent majority.

Large-scale migrations from the villages have also aggravated the problem of urban housing. Some of the cities like Bombay and Calcutta are already overcrowded and yet thousands of people continually pour into their streets. Since the resident population itself does not have sufficient roof over its head, the new-comers contribute to the proliferation of the slums where life becomes one of unrelieved ordeal. Besides being desperately poor, a number of new arrivals suffer from a wide variety of diseases and thus pose a grave health problem. Many metropolitan areas have transformed themselves into criminal jungles where different categories of lawless men flourish. With characteristic under-statement, the Planning Commission concedes that an unregulated growth of population in cities like Bombay and Calcutta creates "a law and order problem".¹³ At the same time, the civic amenities deteriorate at an accelerated pace, with the municipal and state authorities watching the situation with unseeing eyes.

Thus, seen from any point of view, the picture presented by contemporary India is, to say the least, unpleasant. An overwhelming majority of its inhabitants are undernourished and suffer from a number of deficiency diseases. Nutrition experts have been repeatedly pleading for an improvement in the dietary standard of the people. The human body requires many food articles besides cereals and pulses to keep itself in good health. It needs fats, vitamins and proteins of high biological value. The insufficiency of these essential food factors in the diet of large sections of the population is at the root of the high incidence of morbidity and mortality. Did not Hippocrates, the ancient Greek physician, say:

¹² *Fourth Five-Year Plan, 1969-74 (Draft)*, p. 321.

¹³ *Fourth Five-Year Plan, 1969-74*, p. 398.

"Thy food shall be thy remedy?"

Since independence, the incidence of mortality has been greatly reduced through extensive public health measures so that the expectation of life increased from 30 years in 1950-51 to 52.5 years in 1970-71.¹⁴ But this gain is of doubtful value, as the *Census of India* for 1961 points out, morbidity in the country is "distressingly high". In the absence of sufficient food with the necessary nutritional value, longevity to the indigent population has really meant the prolongation of its misery.

Experiments conducted in the pre-independence years in the Nutrition Research Laboratories at Coonoor in Tamil Nadu showed that an ordinary adult required each day, besides one pound of cereals, 8 ounces of milk, 3 ounces of pulses, 6 ounces of non-leafy vegetables, 2-4 ounces of green-leafy vegetables, 2 ounces of fruits and 2 ounces of fats and oils.¹⁵ This was considered "a sufficient and well-balanced" diet, but being wholly vegetarian, it may not be regarded as such by all experts.

Presenting a series of revealing data on what constituted an ideal diet, Professor E. S. Nasset, an FAO Nutrition Adviser to the Government of India, said in August 1962 that the intake of an average Indian fell "far short of adequacy and that the rate of improvement leaves much to be desired". The country was faced with "great and vexing nutrition problems which urgently need solution". He held that "the protective foods such as pulses, vegetables, fruits, milk, meat, fish, egg, oilseeds and nuts are the foods needed to bring the Indian dietary level up to an acceptable standard".

The Indian Council of Medical Research has undertaken many diet surveys. Its investigations in 1966 revealed that an ideal daily diet for an adult consisted of 400 grams of cereals, 85 grams of pulses, nuts and oilseeds, 114 grams of green leafy vegetables, 85 grams of root vegetables, 85 grams of other vegetables, 85 grams of fruits, 284 grams of milk and milk products, 57 grams of sugar and jaggery, 57 grams of vegetable oil, ghee etc., 85 grams of fish and meat and 40 grams of eggs. Two years later, the Council's recommendation included balanced diets for other groups

¹⁴ Article entitled *Health Programmes: A Review* by a Research officer of the Planing Commission, Yojana p. 573.

¹⁵ *Report of the Health Survey and Development Committee*, Volume I, Survvel, 1946, p. 56.

of the population.

The question that must be asked is how many Indians can afford to eat such food and whether the country is in a position to supply it in the required quantities. The diet prescribed by the Coonoor laboratories cost between Rs. 4 and Rs. 6 a month in pre-war years. Today for the same menu a person has to spend as much as Rs. 86 a month. If the food standard laid down by the Indian Council of Medical Research is to be attained, an individual must be able to spend not less than Rs. 142 a month or Rs. 4.74 per day.¹⁴ Apart from the fact that such foods are absolutely inaccessible to the poor, the flaring prices have made their cost prohibitive even to the middle classes. In fact, inflation, against which the Government feels so utterly helpless, is inexorably drawing an ever-increasing number of people into its vortex. The policy of "food for all" has thus dissolved into a chimera.

There is no near prospect of that policy being implemented in the foreseeable future. In 1974, drought, famine and floods inflicted untold misery on millions of people in a number of states, including Maharashtra, Bihar, Bengal, Madhya Pradesh, Rajasthan, Assam and Gujarat. The magnitude of the food problem so thoroughly baffled the Government that its measures to meet the situation proved utterly inadequate. "While the urgent tasks", wrote *The Indian Express* in its editorial of September 10, 1974, "of relieving large-scale distress remain thus bogged down, the public is periodically treated to make-believe plans of self-sufficiency in domestic production in the next year or the year after. The elaborate estimates of input and credit requirements and availabilities appear in the circumstances as altogether unreal and lacking in credibility".

And yet the famished people continue to multiply, the country's annual population increase being some 12 million. Notwithstanding assertions to the contrary, India has no properly formulated and executed population policy. The middle classes need no indoctrination for avoiding improvident motherhood. They realise the need for a limited family to maintain their standard of living, especially in these days of spiralling prices. The population explosion, therefore, takes place amongst those sections of the population which are too poor and ignorant to appreciate its dangers

¹⁴ The latest figures were collected from a Bombay textile mill which makes bulk purchases for its canteen, June 1975.

either to themselves or to the country as a whole. The task of making millions of individual couples change their most intimate sexual behaviour is not simple in a stagnant and superstition-ridden society like that of India. Nor is the administrative apparatus capable of grappling with a demographic problem of this magnitude. With literacy as low as 30 per cent, India contributes over 40 per cent to the world's total number of illiterate persons. To teach them the value of reducing fertility is almost an impossible task. Besides, sex is one of the very few diversions accessible to people weighed down by poverty and ignorance. It is impossible to wean them from it unless a more attractive alternative is offered.

It is small wonder, therefore, that family planning has failed in India. While the rate of mortality has been brought down, there has been no corresponding success in reducing the tempo of fertility. Two decades of campaign for limited families has resulted in the prevention of only 13-14 million births while as many as 200 million have been added to the population during the same period. The Government has evidently thrown up its hands in despair and is seeking to camouflage its defeatism through patently untenable excuses. The Union Health and Family Planning Minister says: "Family limitation is not viewed in India as national requirement but as in the interest of the individual citizen". Does it mean that the Government has washed its hands of the whole affair? Its record in this vital matter is as dismal as in others. Right from the commencement of the first five-year plan, 1951-56, its assumptions about the rate of population growth have gone completely awry.

A writer says thus on the subject: "Whenever performance drops below the target, instead of taking measures to step up the programme, we choose the easy alternative of lowering the goals. In the early sixties for the first time, specific targets were fixed and a relationship between reduction in birth-rate and time element was established, seeking to reduce the birth-rate to 25 per thousand by 1976. This objective was modified in 1968, to reduce it to 23 by the end of the Fifth Plan. In view of the poor performance, the target was lowered in 1970 — to reduce the birth rate to 25 per thousand by 1979". The writer adds: "With the latest revision of the targets by the Minister, the goal of bringing down

the birth-rate of 23 or even 25 remains a distant goal".¹⁷

How can any plans for prosperity be taken seriously when almost nothing is being done to control the tremendous pressure of the population on the economy? Even those working in the Planning Commission fear that if no drastic measures are taken immediately, India's population will reach the stupendous figure of 1,000 million by the turn of the present century. What this will mean to those living then has been graphically described by the futurologists of the National Committee of Science and Technology. They hold that the people will not have sufficient food to eat and will suffer from frightening malnutrition. There will be a shortage of strategic materials while the demand for coal, steel, fertilisers and cement will outstrip production. They say: "The basic message of the forthcoming crisis is loud and clear".¹⁸ Since the hungry and illiterate masses will preponderate much more than now, India will be saddled with a debilitated and diseased humanity.

The shape of things to come is unmistakable. India lives in her villages and yet nothing has been done to make them habitable for a healthy, happy and forward-looking people. Except in a few states like Punjab and Haryana, the countryside has become a by-word for poverty, dirt, disease and stagnation. Only the small class of rich landlords and a few other exploiters rejoice in their affluence. Most of the villages are, therefore, no better than social wastelands. Some progress has certainly been made in the development of the agro-based industries, but it is not sufficient to prevent or even to abate the exodus of the rural population to the urban areas. Frequent failures of crops, famines and floods make the task of arresting this process even more difficult. Most of the Indian villages are strangers to social services. Four-fifth of the country's population is without medical aid as doctors are loathe to settle down in the villages.

The planners know these facts. According to the projections made some years ago, the urban population is expected to increase from 79 million in 1961 to some 152 million in 1981.¹⁹ Big cities, already bursting with large redundant populations, have to bear the brunt of the migrations from the countryside since they are

¹⁷ *India flops in Birth Control* by K. K. Pooviah, *The Indian Express*, August 5, 1974.

¹⁸ *The Indian Express*, May 18, 1974.

¹⁹ *Fourth Five-Year Plan*, 1969-74, p. 398.

mistakenly believed to have an unlimited absorptive capacity. It is the considered opinion of competent authorities that Bombay and Calcutta, once the pride of the country, are doomed unless urgent steps are taken to make them more habitable for a civilized community.

Some four decades ago, the population of Bombay, once acclaimed as *urbs prima in Indis*, was barely one million but now it has risen to more than 6 million. Regarded as the eight largest city in the world, this premier metropolis of Western India will be set the impossible task of providing food, shelter and other amenities to as many as ten million people by 1985. Calcutta, with its population of over seven million, has the highest density in the world. That eastern city, once India's proud capital, has now the distinction of producing a ghastly catalogue of statistics, which includes an estimate of its diseased population and of its dehumanising poverty. Some six years ago, its slums harboured one million people, most of whom were "active TB patients". And yet both these cities continue to be plagued by new entrants in their thousands whose contribution to the civic life is the aggravation of poverty, unemployment, disease and disorder. They have also become a happy hunting ground for bottleggers, black marketeers, smugglers and a host of other enemies of society.

In all cities, big and small, the poor are pushed into small, ill-ventillated and ugly one-room tenements situated in narrow streets and lanes and provided with unsatisfactory civic amenities. Many of the buildings are old and dilapidated. House collapses in cities like Bombay are frequent and involve much loss of life. In many localities, and more especially in those where the poorer sections live, the roads are badly maintained and have either dimly-lit street lights or none at all. They claim the least attention of the municipal authorities.

These people, whose living conditions are according to any civilized standard horrible, consider themselves lucky because they see before them lakhs of men, women and children living in slums and on footpaths. Over the length and breadth of India, there is no city which is free from those plague spots called slums. Poona, once the capital of the Maratha empire and still a great centre of learning, was at one time a clean city with a salubrious climate, but today it abounds in festering slums. Acclaimed at one time as the garden-city with an invigorating

climate, Bangalore has now become an abode of diseased and decrepit beggars whose unwelcome presence is felt all over the place. Shillong was at one time the pride of Assam and attracted visitors for its scenic splendour and cool retreats but today it has won the unenviable sobriquet of "Hell of Hill Stations". We can give many more such examples of the deterioration of fine metropolitan areas.

Slums have in fact become synonymous with urban life. Large numbers of shelterless people, most of them semi-starved, haggard and sullen, are huddled in makeshift shacks made of tin sheets, mud, wood and rags. They are dark, low-roofed hovels where no air or sunshine ventures to get in. Entrance into them is possible only by bending oneself low to the ground. The entire locality reeks of oppressive smell, with foul water running in rivulets across the narrow unpaved streets. Often domestic animals and a wide variety of pets live with their owners, thus making man, beast and bird most vulnerable to diseases of every kind.

In addition to this stricken humanity, there are tens of thousands of people to whom the pavements are their homes and the sky the roof over their heads. These homeless hordes are compelled by circumstances to abandon all sense of shame and decency. They respond to the calls of nature and to other urges of the body in the open and leave no public resort or beauty-spot undefiled. In Bombay, the entire seafront has become a vast lavatory. With each passing day the number of foot-path dwellers grows, making life for themselves and others intolerable.

In many cities, the pressure of population and the problems which it creates have brought the municipal administration almost to a standstill. On September 27, 1973, the then Mayor of Bombay declared that, despite "loud talks", the city would not get its water supply in the required quantity for another twenty years if no positive steps were taken to control its population. He also spoke about the magnitude of the housing and slum clearance problem. Air pollution was assuming serious proportions. He called a particular locality in the city a gas chamber and another, not long ago described as the "garden city", a pollution base. Inadequate and uncertain supplies of foodgrains and the alarming deterioration in their quality have

made life in Bombay burdensome. Adulteration has reached unmanageable dimensions. Even the milk supplied by the Government smells and is drained of much of its nutritive value.

The sufferings of the poor do not, however, touch the heart or the conscience of the rulers and the rich. The poor may live and die in dingy hovels, but the members of the privileged class must spend their lives in magnificent mansions and skyscrapers. Most of the big cities now boast of multi-storeyed buildings from whose imposing heights their opulent inmates descry down below with amused interest the many miseries of the slum-dwellers and other disfranchised sections of the community.

Today Bombay is the proud possessor of a number of such tall buildings. When one of them was under construction, a write-up man envisaged life in it in this scintillating language: "High up on one of the highest reaches of Bombay, there will soon stand a magnificent mansion that will be the synthesis of Heaven and Home!" The man was in a state of ecstasy. He further wrote: "Situated at the summit of one of the most aristocratic sections of the city, it will be exclusive and convenient—the very quintessence of luxury and fine living". Fine living is certainly not a crime but on no account can the misery of the multitude be justified. Skyscrapers and slums do not make cordial companions.

And yet tall buildings continue to proliferate. There is no dearth of money or material for their construction. In Bombay, the State Government, in defiance of public opinion and the Municipal Corporation's protest, blithely continues to sell at profiteering prices vacant plots to an ever-increasing number of builders, thus, among other things, gravely undermining the usefulness of the twin-city project. The demand for abandoning what is known as the Backbay Reclamation scheme is universal but the authorities take no notice of it on the ground that the project is "the goose that lays golden eggs!" To sell at fantastic prices undersized plots as building sites is a novel form of city development. Rightly did R. K. Laxman draw a cartoon on June 19, 1974 with the legend: "I suppose the government will be selling the plots there next!"—"there" being the sky.

Whether they are in the villages, towns or cities, the hungry millions are condemned to fend for themselves. Long long ago

Mahatma Gandhi cherished the ambition of "wiping every tear from every eye". Pandit Jawaharlal Nehru was no less determined to relieve the suffering of the poor. As I pointed out earlier in Chapter 3, he declared that the service of India meant the service of the poor. "It means", he said, "the ending of poverty and ignorance and disease and inequality of opportunity". Many decades have passed since these noble words were uttered and yet the tears of the common man continue to roll down his cheeks. In fact, they flow in torrents.

It is mere wishful thinking to expect that his miseries can be ended under the present dispensation. The incompetence, the greed and the rash measures of the rulers have made them utterly ineffective. In their vain pursuit of socialism, they have imposed an intolerable bureaucratic tyranny on the private sector which has become a pale shadow of its former self both in efficiency and integrity. Honest businessmen and industrialists are forced to fight a rearguard action and as a class they may disappear entirely before long. Many among them have found it least troublesome and most profitable to abandon those ethics, the practise of which alone can justify free enterprise. Most of them have become the debased instruments of unscrupulous politicians and bureaucrats. They contribute to the enrichment of individual members of this grasping and sinister fraternity and in the process acquire immunity to amass wealth for themselves. Their interest in the people is only in exploiting them.

Not long ago a prominent businessman explained that the stagnation in production and the increase in black-marketing should be traced to the heavy "donations" exacted by the politicians from his community by holding out threats of not issuing permits, quotas and licences. A plethora of unnecessary controls on production and distribution generated black money which grew following the Government's insistence on the sale of goods below the ruling price. He further maintained that inflation was caused not only by the creation of new currency of Rs. 1,526 crores in 1973-74 but also by the corruption of the Government and its unproductive expenditure.

The rural rich are also pampered because, with their control over the votes of the masses, they are the mainstay of the Congress in perpetuating itself in power. These are the irrefutable facts of the Indian situation and it is useless to seek an

improvement in it without tackling the basic problems. The Government's anti-inflationary measures in the shape of impounding additional wages and dearness allowance for a certain stated period and restricting the distribution of dividends have justly evoked derisive laughter. A non-Congress politician asserted that such half-measures to deal with a serious problem would only strengthen the forces of inflation. Similarly, the theatrical unearthing of hoarded wealth from a few families cannot flush out the immense accumulation of unaccounted money. The publicity that follows the raids serves as an advance warning to the vast army of wealthy villains to be more thorough in concealing their ill-gotten gains. Frankly, the present rulers are incapable of overcoming the growing distractions of the country. Only a strong and incorruptible government, mindful of its obligations to the people, can accomplish this stupendous task.

9. POWERS OF THE PRESIDENT

EVEN after more than a quarter century of national independence, India today is precisely in the same condition as China was under the Kuomintang regime. Recalling the glorious past of his country and its fallen condition in his own time, the famous Chinese writer, Dr. Lin Yutang, said: "And yet today she is undoubtedly the most chaotic, the most misruled nation on earth, the most pathetic and most helpless, the most unable to pull herself together and forge ahead. God—if there be a God—intended her to be a first-class nation among the peoples of the earth, and she has chosen to take a back seat with Guatemala at the League of Nations; and the entire League of Nations, with the best will in the world, cannot help her. . . ."¹

Thanks to the energetic leadership of men like Mao Tse-tung and Chou En-lai, China has succeeded in shedding the trammels of backwardness and in taking its place among the Big Powers. In contrast, India is sinking deeper into physical and moral decay. It is a mere superstition to expect the present rulers to save the situation since most of them have neither the calibre nor the character to undertake such a gigantic task. Indeed, it is their incompetence which has prompted even responsible persons to suggest some of the most astounding remedies. For some years, General K. M. Cariappa was the most pertinacious pleader for army rule. He did not advocate military dictatorship but wanted the armed forces to serve as a catalytic agent. It was his view that they should assume the responsibilities of government till Indian democracy was able to shed its infirmities and learn to administer the country competently.

The Sarvodaya leader, Jayaprakash Narayan, also thought that the armed forces could perhaps find a solution to the national problem. He too did not like any such dispensation, but wondered how the Army could be blamed for stepping in if the civilians failed miserably. Such desperate remedies oppress the minds of even the most level-headed persons when the gloom around them thickens. But they cannot succeed in a vast coun-

¹ *My Country and My people* by Lin Yutang, p. 4.

try like India with its disparate and fatalistic population.

Wisely or unwisely, a certain type of government has been adopted and the path of prudence lies in seeking national deliverance by making it workable. Parliamentary democracy has failed in India because its most crucial requirement, namely, a sound party system has failed to materialise. Whether the Bharatiya Lok Dal, a combine of eight parties, which was formally launched on August 29, 1974, can develop into a formidable Opposition with the capacity to wrest power from the ruling Congress in the foreseeable future, it is most difficult to say. The signs are, however, not hopeful. Apart from its composite character, very few of the components of the Lok Dal have a reach in the villages. And it is rural India which is the reservoir of votes. The Congress is so firmly entrenched there that it will be impossible to depose it from power before weakening its strength at the very source.

Today none of the opposition parties, not excluding the Jan Sangh, has the resources or the organisational backing which the Congress commands in the villages. It is true that the continued failure of the ruling party to fulfil its electoral promises has brought disillusionment even to the countryside, but this fact cannot be much of an asset to the opposition parties unless they go deep into the villages and set up rival organisations pledged to serve the masses and to educate them about their rights and obligations as voters. Occasional visits by rival politicians to the villages and speeches against the ruling party before the rural audiences cannot produce any lasting results. There is no substitute for patient and sustained work among them.

Parliamentary democracy in England and elsewhere has succeeded because the politicians of those countries believe in an intensive political education of their "masters", the voters. The vastness of India and the illiteracy and poverty of its masses make such an undertaking most difficult, but the stars in their courses have no mercy for excuses. The task is truly stupendous, especially when the ruling party enjoys overwhelming advantages in relation to its opponents. Besides its vast organisation, the Congress, by controlling All India Radio, the biggest mass medium, can and does reach the largest number of people daily and all over the country. This is the strongest reason why the government is not prepared to grant autonomy to AIR.

Fortunately, the press is not similarly controlled. It can be used as a powerful instrument for spreading true knowledge about the country provided both its structure and outlook are radically changed. The English language papers are of little value for this purpose. At no time since their advent have they gone into the countryside. The limitations of the language papers, as they are now brought out, are equally evident. They too derive their sustenance and strength from cities and towns. For instance, a leading Marathi daily of Bombay, with a circulation of 1,30,000 copies, sells as many as 82,000 copies in Greater Bombay. The remaining copies are sold in district headquarters so that only a negligible fraction of the total circulation finds its way in rural Maharashtra.

More and more district papers are, therefore, necessary if the villages are to be adequately covered. Although rural poverty and illiteracy impose a severe limitation on their circulation, these papers can play a great part in influencing opinion in the countryside if the news and views they publish are of real interest to the masses. In other words, they must abandon their urban-oriented outlook. Not long ago, the editor of a leading Hindi daily wrote: "What the Hindi press talks is unintelligible to the villagers and what the villagers talk does not reach the ears of the Hindi press. The relationship between the Hindi press and its readers is like the relationship of the blind and the deaf—one does not see and the other cannot hear". This is so in the case of other Indian language papers also.

There must, therefore, be a radical change in both the style and contents of the district papers. They should specialise in the study of the rural problems and advocate their solution. Their task should be to inform and to instruct so that the villagers may sooner or later be able to think for themselves about their problems and thus exercise their franchise wisely. A new awakening among them may herald the end of the monopoly of political power by a single party. The Opposition parties should give serious thought to this proposal since its successful implementation can greatly weaken Congress ascendancy in the countryside.

It is, however, impossible to bring knowledge and enlightenment to the masses, especially to those of India, overnight. The country cannot wait till they wake up and act. And since no

opposition party can hope to provide an alternative government without their support, other constitutionally-acceptable remedial measures demand serious consideration. By mortgaging their minds to the Westminster system, some powerful political theorists in the country are not prepared to construe the provisions of the Constitution strictly according to the necessities of the Indian situation. They do not want to give up the obsession that the Indian instrument of government is only a derivative of the British system. Their stand must be ignored so that the powers of the President of the Union and of the Governors of states are interpreted realistically. Only thus can other desperate remedies be avoided.

The powers of the President are writ large in the Constitution. The executive power of the Indian Union is vested in him and all executive action is conducted in his name. He is the Supreme Commander of the armed forces. The Houses of Parliament are convened and prorogued by him. He invariably addresses the new Parliament and may address it on other occasions also, besides sending messages to it concerning pending legislation. No bill can become law without his assent. He has the power to issue ordinances when Parliament is not in session and to proclaim emergency for reasons of national security.

He can assume the functions of government in a state on receipt of a report from the Governor. He may suspend the fundamental rights in an emergency. As the head of State, he grants pardons, reprieves, respites and remissions of punishment. He appoints the Attorney-General of India, the Judges of the Supreme Court and of High Courts, the Comptroller and Auditor-General of India and the Election Commission. The Governors of the states are also appointed by him. He is aided and advised by a Council of Ministers, headed by the Prime Minister who is appointed by him. The rest of the Ministers of the Council are also appointed by him on the Prime Minister's advice. The Ministers are to hold office during his pleasure.

These, in the briefest outline, are the powers of the President. Before entering on his office he takes a solemn oath to "preserve, protect and defend the Constitution and the law" to the best of his ability. If he fails to do so, he is liable to be impeached under Article 61 of the Constitution. It is true that in a written

constitution the powers of the Prime Minister are not stated at length. It is no less true that in a parliamentary democracy, real powers are enjoyed by this functionary, but nobody has so far explained convincingly why the constitution-makers in this country found it necessary to lay down the powers of the President so elaborately if he was not to exercise even one of them without the assent of his Council of Ministers.

The constitution-making body did at one time consider the idea of giving the President an Instrument of Instructions, making it clear that he had no real powers to exercise, but it was not pursued in the belief that the true status of this dignitary could never be called into question. As events have shown, it was an untenable assumption. Nehru fell out with his lifelong colleague and comrade, Rajendra Prasad, on this issue while under the regime of his daughter it provoked a split in the ruling party. The dignity of that office has suffered much since 1969 as the fear that its holder may choose to exercise his powers has increased. Apart from the fact that only those that can be trusted to succumb to the gauds and glitter of the Rashtrapati Bhavan are chosen, the Constitution (24th Amendment) Act, makes a serious encroachment upon the powers of the President by demanding that he should without doubt or demur give his assent to any constitution amendment Bill when it is passed by both Houses of Parliament. There is thus a well-planned move to emasculate the office of the head of State and to reduce him into a dignified cipher.

It is true that both during the deliberations in the Constituent Assembly and later a number of prominent persons maintained that the position of the Indian President was analogous to that of the British monarch, but such assertions, no matter by whom and how frequently they are made, cannot carry much conviction. Their untenability has been proved often. The British monarchy is rooted in the history and traditions of the British people and is hereditary. It is not liable to impeachment since it has no effective functions to perform. Like the House of Lords, it belongs to Pagehot's dignified part of the Constitution. In contrast, the President of the Indian Union is an elected representative of the people and is solemnly committed to defend the Constitution. Dereliction of duty on his part involves in his impeachment.

Again, the tendency to view the provisions of the Constitution through British eyes cannot be in the fitness of things. The Westminster system is meant for a politically-awakened and a relatively homogeneous people living in a small country. It works well under a unitary form of government. India is a vast country and is inhabited by a large population, the bulk of which, besides being poor and illiterate, is divided into countless castes and sects. The feeling that they are all one and that they belong to a single country and a single nation is still feeble among the Indian people. Besides, the form of government in the country is not unitary as in England; its federal features are unmistakable.

Under such a system, differing so fundamentally from that of Britain, it is misleading to equate the Presidential office with the British monarchy. An Indian President, mindful of his obligations to the Constitution and with a conscience to guide his actions, cannot be a mere tool in the hands of his ministers. In the event of a dispute between the Centre and a state, it is the imperative duty of the President to uphold the latter if it is right, no matter what advice his ministers choose to give him. This issue was raised by Rajendra Prasad during his Presidency and is being frequently discussed, especially in the context of Article 356. It is the considered opinion of impartial experts that in the event of a conflict between the Centre and the states, the President should side with justice by exercising his discretionary powers. The British monarch has no such choice.

Contemporary opinion should not be unduly concerned about what the constitution-makers said or did not say on a given issue at the time of framing the Constitution. It was neither their intention nor were they competent to hand down to posterity a perfect and immutable statute, valid and inviolable till the end of time. Despite the eminence of many of them, their limitations were obvious. They certainly provided for a government based on parliamentary democracy, but they did not and could not legislate for its success. They did not foresee that the two Houses of Parliament would be under the perpetual dominion of a single party, thus leading to a grave derogation both from their status and their representative character. It was equally beyond them to prescribe the establishment of a sound party system so that no single party could claim a monopoly of governmental authority. The "one-party democracy" that has emerged at the Centre

since independence is a complete negation of the Westminster system.

By virtue of its majority, the ruling party has not hesitated to use Parliament as its handmaid in securing the passage of the most Draconian measures. Such action is again in flagrant violation of the British system of parliamentary government. Clearing certain misconceptions concerning the meaning of majority decision and majority rule, L. S. Amery wrote, "Decision by majority is not an absolute and unqualified principle. Our constitution, to use Burke's phrase, 'is something more than a problem in arithmetic'. There is no divine right of a mere numerical majority, of 2 plus 1, any more than of kings. Majority decision is a measure of convenience essential to the dispatch of business, 'the result' to quote Burke again, 'of a very particular and special convention, confirmed by long habits of obedience' ". Amery goes on to say that the idea that the majority can be used to pass any legislation, regardless of the extent of the changes involved or of the intensity of the opposition to them, is "wholly alien to the spirit of the constitution".²

Again, the Constituent Assembly did not imagine that a person who became Prime Minister would remain in that office till there was breath in his body, irrespective of his aptitudes, abilities and achievements. "Once a Prime Minister always a Prime Minister" is a thesis peculiar to India and is unheard of in any of the democratically-governed countries. In a mature democracy, Nehru would not have died in harness nor would the present Prime Minister have remained so secure in her position.

It is also inconceivable that the framers of the Constitution would have endorsed the Congress-dominated Parliament's action in assuming absolute powers to amend any part of the statute, including the Fundamental Rights. Nor would they have supported the new-fangled and politically-motivated move to attach greater importance to the Directive Principles of State Policy than to the Fundamental Rights. A government, conscious of its obligations to the people, need not have adopted these dubious manoeuvres since nothing prevented them from adopting straightforward measures to promote the public good.

Some of the constitution-makers, notably men like Sir Alladi

² *Parliament: A Survey*: L. S. Amery's Chapter *The Nature of British Parliamentary Government*, 1952, p. 54.

Krishnaswami Ayyar, would have been horrified when the executive brazenly sought to reduce the Supreme Court into a packed body. Had they listened to the speech of the late Mohan Kuma-ramangalam in Parliament on May 6, 1973 they would have been stupefied by his assertions. He said: "We have a duty to take into account the philosophy and outlook of a judge in deciding whether he should or should not lead the Supreme Court". Evidently, the minister refused to concede that a judge's commitment was to the Constitution and not to the party in power for the time being.

Lastly, the authors of the Constitution would have been astonished at the rapid decline in the dignity and power of the President and of the Governors. In his time, Rajendra Prasad had the disconcerting experience of having to face a challenge to his freedom of speech and of movement. His address to the Indian Law Institute on November 28, 1960 was important, especially because it raised some fundamental questions concerning the powers of the President. The authorities of the Institute were directed by the Prime Minister not to distribute copies of the President's speech. "From the next morning", says a writer, "requests started coming from far and near—from lawyers and judges and from heads of the diplomatic missions in New Delhi—for copies of the President's address. But the staff of the Law Institute had strict orders not to distribute them".³ Nehru also made repeated attempts to control the President's movements but without much success. His entire move was directed towards ensuring that the Prime Minister remained the sole repository of power in the country. The President's powers as laid down in the Constitution, disturbed him.

Rajendra Prasad had no doubt about his true position as President. He had in fact declared that he would not hesitate to use his powers if the interests of the country so demanded. At the same time, he was most anxious to avoid a collision with Nehru. He often told K. M. Munshi: "We are trying a great constitutional experiment, and I do not want to create a crisis in the early years of the Republic". He intended to write a book of his reminiscences and call it "The Years of Agony" but death

³ *The P M's President: A New Concept on Trial* by H. N. Pandit, S. Chand & Co., 1974, p. 20.

defeated this attempt.⁴

Nehru was equally unhappy with Dr. S. Radhakrishnan who succeeded Rajendra Prasad. The new President was essentially a scholar and a thinker and was, therefore, believed to be politically "colourless". But Nehru soon discovered that the new occupant of the Rashtrapati Bhavan could not also be taken for granted. When the Prime Minister asked him not to attend the funeral of Rajendra Prasad, he refused to comply with the strange request. On the contrary, he asked Nehru to accompany him. He was profoundly disturbed by the growing disarray in the national affairs and by the undeserved defeat and disgrace of the country at the hands of China in 1962. He would perhaps have liked to bring about a change in the government if he could manage it. From then onwards, his relations with Nehru could not be cordial. Mrs. Gandhi, who was aware of the estrangement between the two, saw to it that Radhakrishnan did not get his second term as President.

The third President of India, Dr. Zakir Husain, was also a scholar, but being a member of the minority community, he could not be assertive even if he had chosen to be so. His death in harness necessitated the search for another "safe" candidate for the Presidential post. In 1969, Mrs. Gandhi precipitated a split in the Congress by refusing to support the candidature of N. Sanjiva Reddy even after sponsoring his nomination. She somewhat belatedly felt that, as an occupant of the Rashtrapati Bhavan, Reddy would be the most dangerous challenger of her power and accordingly proclaimed her opposition to him on grounds of conscience. V. V. Giri, who contested the Presidential elections as an independent candidate, became the beneficiary of the Congress split.

Giri justified his candidature by asserting that the country was in real need of an "independent and strong President who could see things straight and do justice well without fear or favour". Unfortunately, however, his term of office from 1969 to 1974 became the subject of much acrimonious controversy. He was accused of meekly toeing the Prime Ministerial line by ignoring the responsibilities of his office. He was in fact called

⁴ *Pilgrimage to Freedom (1902-1950), Indian Constitutional Documents*, Volume I, by K. M. Munshi, p. 290.

a "rubber stamp" and in 1973 some of the members of the Opposition party seriously thought of invoking the provisions of the Constitution for his impeachment.

Giri's detailed interview to a news agency on August 18, 1974 is a defence of his action during the five years he was the head of State. He stated the constitutional position thus: "We have deliberately adopted the parliamentary system with responsible Government. This responsibility is exercised through the Council of Ministers which is continuously subject to control and constant criticism by Parliament. I am clear in my mind that the President, while asserting his right to be informed, to be consulted and to warn, should not do anything which will result in any subtraction from responsible Government".

This view is not peculiar to the ex-President and is held by by many others. But the question that naturally arises is what should be the reaction of the President if his Council of Ministers cares little for his right to be "informed consulted and to warn"? In the interview, Giri claimed that he had from time to time put forward "concrete proposals designed to find solutions to some of the most urgent problems facing the country." The fact that these problems still exist and have even multiplied proves that his proposals did not receive the attention they deserved. It is unlikely that Giri was untrammelled even in playing what he regarded as his undoubted role as constitutional President. In 1973, he was reported to have written to the Prime Minister expressing his unhappiness over the Government's handling of the situation in Andhra Pradesh. In doing so, he evidently exercised his constitutional right, but it was not well received.

As a former leader of the railwaymen, Giri was much concerned about the railway strike in May 1974. He wrote to the Prime Minister urging that the dispute should be settled amicably and without causing suffering to the railwaymen. The Prime Minister and her colleagues resented such exhortations and interpreted them as amounting to interference with their duties and responsibilities. They noticed that he was becoming increasingly critical of the Government. He was reported to have told some Members of Parliament that he could not "remain a passive spectator any longer of the sorry state of affairs".

The Council of Ministers was in no position to confront the President openly but decided to have its own way with him by

other means. According to a Times of India Notebook of August 26, 1974, "Mrs. Gandhi and two members of the Cabinet Committee met Mr. Giri and explained to him the serious implications of his communication. They finally succeeded in getting an assurance from him that he would not cause any further embarrassment to the government by sending more letters".

There were many other occasions when the President could not see eye to eye with his ministers. For instance, he was strongly opposed to the supersession of the three Supreme Court Judges, but on every occasion he surrendered even though he knew that he was right. The argument that he "did not want a direct confrontation with the Council of Ministers" is neither here nor there. Rajendra Prasad advanced a similar plea on the very valid ground that the Indian Republic was still in its infancy in his time. Such an argument cannot have the slightest plausibility at this distance of time.

The country is in desperate need of a supreme authority to save it from a dire fate. As the head of State, the President is fully entitled to play that role, but, in the name of constitutionalism, Giri chose to tread the safe path by merely tendering advice to his ministers without the backing of any sanctions. Under the Constitution, it is the function of the Council of Ministers to aid and advise the President and not the other way round. If the role of the President in the government of the country is merely ornamental, then surely poor India can ill afford to maintain him at such a frightful cost.

It is clear from this survey that no sanctity need be attached to the views of the constitution-makers if they have no relevance to present-day conditions. The observations of Lord Birkenhead, a great legal luminary, in this connection, are illuminating. "Some communities", he said, "and notably Great Britain, have not in the framing of Constitutions felt it necessary, or thought it useful, to shackle the complete independence of their successors. They have shrunk from the assumption that a degree of wisdom and foresight has been conceded to their generation which will be, or may be, wanting to their successors, in spite of the fact that those successors will possess more experience of the circumstances and necessities amid which their lives are lived"⁵. The Constitution

⁵ *Constitutional Law of India* by H. M. Seervai, quoted on p. 1088.

is a living and growing thing and it is through its resilience that its durability can be ensured.

It is, therefore, not in the best interests of the country that the President should be relegated to the position of a figurehead. Die-hard theorists may still swear by the British Constitution in denying effectiveness to the Presidential office, but their ranks are bound to thin out as the distractions of the country grow and as the need for an ultimate power to save the situation becomes imperative. In contrast to these conservatives, there is a growing school which wants the President to be the supreme authority in the country.

Writing in the *International Affairs* in April 1956 under the title "Crown and Commonwealth in Asia", Sir Ivor Jennings, the noted British constitutional expert, observed: "Dr. Rajendra Prasad seems to have been following British convention with some fidelity; *but there is nothing in the Constitution which requires him or his successors to do so, and one of them may well say that he is not bound by the constitutional practices followed in a foreign monarchy and that he proposes to carry out the law and law alone*".^a Other foreign experts have also held the view that the Indian President is the final guardian of the Constitution with the right and duty to act independently of his ministers.

From the first, informed Indian opinion has believed in the effectiveness of the President's powers. Professor K. T. Shah fought tenaciously for the recognition of this fact on the floor of the Constituent Assembly. K. M. Munshi was no less pertinacious in seeking the same end. He called attention to the observations of Earl Loreburn in support of his view. "In the interpretation", says this foreign authority, "of a completely self-governing Constitution founded upon a written organic instrument such as the British North America Act, if the text is explicit the text is conclusive, alike in what it directs and what it forbids". Munshi held that the President and the Governors of states provided "a network of unified power for the whole country".

The need for a dynamic President was recognised by no less a person than Sir Benegal Narsing Rau, Constitutional Adviser to the Constituent Assembly. He held that the President was under no obligation to accept the aid and advice of his ministers. He thought that "even if in any particular instance the President acts

^a *Pilgrimage to Freedom* by K. M. Munshi, quoted on pp. 264-65. Italics Dr. Munshi's.

otherwise than on ministerial advice, the validity of the act cannot be questioned in a court on that ground." The veteran leader, C. Rajagopalachari, maintained that the Constitution was most flexible about the powers of the President and complained that it was being wantonly made rigid to serve party interests. Dr. J. R. Siwach quotes many other authorities, including Patanjali Sastri, former Chief Justice of India, as being in full agreement with the view that the President is endowed with real powers⁷. M. C. Chagla, who has had experience as lawyer, judge, diplomat and minister, is convinced that the Presidential form of government is better suited to this country. Speaking in the Rajya Sabha on February 24, 1969, he said that the parliamentary system had failed. He spoke of three "clouds" in the political skies of India: "the cloud of regionalism, the cloud of violence and the cloud of undermining parliamentary institutions". The Presidential system, he maintained, would do away with such evils as defections and corruption.

All the arguments favouring a purposeful President can be put forward with equal validity and decisiveness when discussing the powers of the Governors of states. Responsible opinion both during the debates in the Constituent Assembly and later wanted that the Governor should be armed not only with discretionary powers but also with "special authority" in the discharge of his duties. It is the function of the Governor not only to safeguard the Central interests in the state to which he is appointed but also to ensure good government in it. And yet this crucial office, like that of the President, has been degraded into a sinecure for the favourites of the Union Ministry, most of them being in the penultimate stage of bodily and mental dissolution. Not only are they not permitted to exercise their powers, but even their movements are controlled. Ringing the dinner bell in the Raj Bhavan himself, an exasperated Governor told his guest "I am free to do at least this"!

The growing distractions of the country demand that the President at the Centre and the Governors in the states should work unitedly and purposefully for its deliverance. But such action will be possible only if men of real merit are appointed to these key positions. The Study Team, headed by the late M. C. Setalvad,

⁷ *The Indian Presidency* by J. R. Siwach, Hariyana Prakashan, 1971. p 161.

laid down exacting qualifications for a Governor in its report to the Administrative Reforms Commission on Centre-State relations. The Governor must "be able to display perception and judgment, an understanding of political and social forces and an insight into human motives. He must possess great reservoirs of tact, initiative and patience. He must have knowledge, and preferably also experience, of the affairs of government and administration"⁸. If the Governor of a state is required to possess such outstanding qualities, the qualifications of the President must be even more impressive.

In the conditions of today it is impossible to secure the election of a President of real calibre. The ruling party is convinced that an assertive President is bound to challenge the executive's right to misgovern. The deterioration in the quality of the person aspiring for and holding this office will increase in proportion to the fall in the administrative standards. The Opposition parties are too feeble to check this disintegrating process. With its superior resources both in organisation and finance the Congress is sure to secure victory for its own Presidential candidate either under the present electoral system or under any other. In the 1969 Presidential elections, the electors of West Bengal, says a writer, "were threatened with President's rule and Andhra Pradesh with the dissolution of the Assembly if they did not vote for Giri"⁹. In these circumstances, the suggestion made by certain authorities, including M. C. Chagla, that the head of State should be elected by all the voters in the country cannot lead to the desired results.

The extraordinary situation in the country demands extraordinary remedial measures. The mode of selecting the President must be unconventional and entirely new. The Judges of the High Courts and of the Supreme Court should form themselves into an electoral college to choose the most eligible candidate for the Presidency. It is impossible to think of a more enlightened or impartial electorate. A President so elected can enforce his constitutional right of seeking aid and advice from his Council of Ministers with unfettered discretion to accept or not to accept them. Such freedom of action will vastly strengthen his position to combat the

⁸ *Administrative Reforms Commission: Report of the Study Team: Centre-State Relationships, Volume I, 1967, pp. 178, 283.*

⁹ *Struggle for Rashtrapati Bhawan: A Study of Presidential Elections* by Zaheer Masood Quraishi, Vikas, 1973, p. 133.

evils in the country. If he finds that he cannot fulfil his responsibilities so long as the ministry is in office, he should have the right to do without it and administer the Centre with the help of a small council of wisemen drawn from the civil service and from other walks of life.

The novelty of this suggestion consists only in the mode of Presidential election and not in running the administration without a Council of Ministers. Under Article 356, the government of a State is taken over by the Centre following a report from the Governor that it cannot be carried on in accordance with the provisions of the Constitution. The absence of such a provision as a corrective to Central misrule is one of the gravest shortcomings of the Constitution. The disastrous failure of Parliament to perform this task furnishes the strongest reason for a constructive interpretation of the President's powers.

Although the Centre has often used Article 356 to topple non-Congress ministries, the states that have come under the President's rule for a fairly long period have invariably benefited. Since in most of the states, government by ministers has reached the nadir of its popularity, the rule by the Centre, wherever it has been introduced, is welcomed by the people with ill-concealed joy. In states like Gujarat, Orissa, Andhra Pradesh, Uttar Pradesh and Punjab, where the "popular" governments were dislodged for some time in recent years, there was a remarkable improvement in their administration. Besides firmly fighting corruption, extravagance and inefficiency, the Governors and their advisers did much to improve the law and order situation in their respective states. They also saw to it that the completion of the various development projects was expedited. The fact that the people concerned grow ecstatic over the introduction of the President's rule proves the depth of their detestation of the so-called popular governments.

Much can be done to improve the administration of the states by appointing able and energetic persons as Governors. Asok Chanda, former Comptroller and Auditor-General of India, points out that "even those who disputed the discretionary powers of Governors are now reconciled to the view that they have a positive role to play in ensuring the stability and progress of their States". He wants that the authority of the Governor should be "clearly spelt out" as the need for such a functionary had become evident. It is the considered opinion of many responsible persons that ap-

pointments to the Governorship should not be influenced by political or personal considerations. They should be made by the President in consultation with important jurists, lawyers and administrators — a point of view which is acceptable to the Rajamannar Committee.

With a President and Governors, known for their personal rectitude and distinguished for their ability and eagerness to serve, the country can hope to meet the challenge to its progress. The overgrown bureaucracy, notorious for its sloth, indiscipline and arrogance, has become an intolerable millstone around the country's neck, reducing it to pauperism. The fall in its standard is unprecedented in the annals of the Indian administration. Only the new group of rulers mentioned here will be able to grasp this nettle firmly. Unscrupulous politicians will take fright and retreat into obscurity from which they will never venture to emerge. The smuggler, the blackmarketeer and similar enemies of society will be hunted down like vermin. Besides leading to the restoration of public morale, the new dispensation will lay the foundation of the country's progress on right lines.

The suggestion for arming the President and the Governors with untrammelled powers does not call for any serious changes in the Constitution. Those powers have already been written into the document and only need to be exercised. It is true that the new proposal for Presidential election is unusual, but it is warranted by the necessity of emancipating this important functionary from any kind of obligation to the politicians so that he may retain full liberty to act according to the national need. The *status quo* may be restored or any other known democratic device be adopted for choosing the President once parliamentary democracy becomes a reality in this country. The voter must know the fateful significance of the franchise and must be able to select only suitable persons to represent him. There must also be a sound party system so that power is not monopolised by a single political organisation, as at present. It is these grave deficiencies that are responsible for the failure of the free institutions in the country.

No-changers and the apologists of the ruling party will certainly turn down the new scheme by urging that it will lead to the dictatorship of the President. It may well be asked in reply whether there is true democracy in the country today. Tridib

Chaudhury, who contested the Presidential elections as a candidate of the Opposition parties, pointed out on August 6, 1974 that the Prime Minister of India enjoyed the combined powers of the American President and the British Prime Minister and added "this is a fascist trend". Such views have been expressed by many others. Unfortunately, "democracy" is a much-abused and maligned word in India and has suffered much in consequence. It is absurd to condemn the proposed arrangement even before bringing it into being and giving it a fair trial. Such a hasty verdict will really mean that India is unfit for any form of self-government.

Besides giving up their pathetic faith in the present order, critics of the new scheme should come forward with their own alternatives to end the present state of affairs in the country. India has never had any revolution like those of France, Russia and China and it is foolish to expect one in the foreseeable future. Military dictatorship is also an idler's dream. During the period of instability, following the indecisive 1967 elections, many esteemed leaders, including Acharya J. B. Kripalani and Jayaprakash Narayan, suggested the pooling of talent, drawn from all segments of India's life, to form a national government. Some others held the view that a coalition government was the need of the hour. Apart from the fact that nothing came out of such suggestions, expediencies of the hour cannot provide a lasting solution to the national problems. If it is seriously intended that the country's salvation should be sought within the existing constitutional set-up, then it is impossible to ignore the true significance of the Presidential office.

10. *THE ALLAHABAD VERDICT @*

The judgment of the Allahabad High Court on June 12, 1975, invalidating the election of Mrs. Gandhi to the Lok Sabha, will go down as a memorable event in the history of free India. This historic decision has led to developments which have changed the very basis of the country's system of government. The judgment, given by Mr. Justice J. M. L. Sinha, was the outcome of the complaint preferred by the SSP leader, Raj Narain, against the Prime Minister. He accused her of having resorted to extensive corrupt practices in order to win the mid-term election to the Lok Sabha in March 1971 from the Rae Bareilly constituency in Uttar Pradesh. He was her rival in the electoral contest.

Briefly, the issues raised by Raj Narain were that on February 1 and 25, 1971 Mrs. Gandhi requisitioned the aircraft and helicopters of the Indian Air Force and the services of its personnel to carry her to her constituency to enable her to do her electioneering work there. She also made use of the services of the Home Secretary of Uttar Pradesh and of the district officers of Rae Bareilly in furtherance of this object. She caused the district officers to build rostrums and barricades at her election meetings and to supply electricity for the loudspeakers installed on those occasions. She appointed as her election agent Yashpal Kapoor, an officer in the Prime Minister's Secretariat, when he was still in Government service.

It was further alleged that Mrs. Gandhi's election expenses far exceeded the prescribed limit of Rs. 35,000. Again, she sought to win the suffrage of the electors by distributing quilts, dhotis and liquor among them gratis and by providing them free transport to the polling booths. She weighted the scales heavily against her rivals by adopting cow and calf as her election symbol, knowing well that the cow was widely venerated as a sacred animal.

The Judge did not accept all the charges made against Mrs. Gandhi but upheld two of them. He agreed with the complainant that Yashpal Kapoor was still in the service of the Government

@ Please read the Preface.

when he was appointed by her as her election agent. Rejecting her plea to the contrary, he declared his disbelief in the veracity of her testimony. He said: "The status and respectability of the witness alone cannot, however, induce the court to accept his/her testimony more so when he/she is himself/herself a party to the proceedings and interested in the result of the case".

The public have had some opportunities of knowing that truth sits lightly on the lips of the politicians. During the Presidentship of V. V. Giri, when his election to that office had become the subject of litigation, the Judges of the Supreme Court expressed their amazement at the low calibre of the persons that appeared before them as witnesses and at their utter disregard for truth. So, one should not be surprised if Mr. Justice Sinha reacted to Mrs. Gandhi's statements with great reserve.

The Judge did not consider that the construction of rostrums and barricades and the supply of electricity for the loudspeakers installed at Mrs. Gandhi's election meetings were a necessary part of the security measures adopted by the State Government. "I do not think", he said in his judgment, "it was indispensable for the State Government for the maintenance of law and order or security that the officers should have taken upon themselves to get the rostrums constructed for the meetings of the respondent and to make arrangements for the supply of power for the functioning of loudspeakers at her meetings. Both the things could have been left to be arranged by the political party concerned". He pointed out that such official assistance in her election campaign "put her in a clearly advantageous position over her opponents". These two issues provided Mr. Justice Sinha sufficient ground to declare Mrs. Gandhi's election to the Lok Sabha null and void and to interdict the holding of any elective office by her for a period of six years.

The Allahabad verdict produced a sensation not only throughout the country but in all those lands where democracy and the independence of the judiciary are prized most. M. C. Chagla, a distinguished and widely-respected jurist, declared: "Having belonged to the judiciary, I take great pride in what has happened. It is a glorious moment in the history of our judiciary". He expressed the view that in the light of the judgment, Mrs. Gandhi could not and ought not to remain in office. He pointed out that in England, where ministers resigned for lesser reasons, there

would have been no two opinions on an issue of this kind. The veteran leader, Acharya Kripalani, held that the only honourable course open to the Prime Minister was to resign.

Mrs. Gandhi and her followers did not, however, view the Allahabad verdict in that light. Her first impulse, it is reported, was to resign provided she could get a dependable dummy to be planted on the Prime Ministerial chair so that he could be removed at will later. Since no such plan could materialise, she was advised not to vacate her office, no matter what happened. A great opportunity was thus missed to give the world a convincing demonstration of India's undeviating adherence to democratic principles.

Mrs. Gandhi was badly advised in the strategy she adopted to remain in power. An essentially legal and constitutional issue was dragged into the streets in an unnecessary attempt to prove her popularity with the masses. At great expense and with the active support of the Government and the ruling party, large numbers of people, hailing from the capital and from the neighbouring States of Haryana, Punjab and Uttar Pradesh, were taken to the Prime Minister's residence to shout their assurance of support for her. Besides making use of State and municipal transport and giving police protection to them, the crowds were sumptuously fed with milk and bread. No less a person than the President of the Congress, D. K. Borooah, announced on June 14, 1975 that his party would "bring ten times more people". Though he is a scholar, Borooah is extremely vocal and volatile. He did not pause to consider that street shows are not the proper method for solving serious problems.

The Opposition parties, which had long been nursing a grievance against the Prime Minister's style of functioning, welcomed the Allahabad verdict as a god-sent opportunity to demand her resignation. They had no doubt about the soundness of their cause. Two chief ministers and a member of Mrs. Gandhi's own cabinet had earlier been eased out of office when their election was declared void in the law courts. There could be no valid reason why an exception should be made in her case. The refusal of the ruling party to view the issue in this light infuriated the Opposition parties. Mr. Justice Sinha had agreed to suspend the operation of his judgment for twenty days so that the Congress Parliamentary Party might have sufficient time to elect a

new leader in place of Mrs. Gandhi. No such action was taken and the interval was used by the rank and file of the party to smother her with fulsome flattery, to hold stage-managed demonstrations in front of her house, and to belittle the gravity of the verdict either by saying that it was based on mere technicalities or by attacking its author in abusive language. The effigies of the Judge were burnt by Mrs. Gandhi's over-zealous followers. Such exhibitions of rudeness and vulgarity disgusted many right-thinking Congressmen.

The demand for Mrs. Gandhi's resignation provided a common platform for the various opposition parties. With Jayaprakash Narayan to spearhead the movement, the agitation attained considerable force. Counter-rallies, addressed by him, attracted immense crowds who were told that nothing short of Mrs. Gandhi's resignation would save the country from disorder. Jayaprakash Narayan expressed the widely-shared view that, with the Allahabad verdict against her, whatever Mrs. Gandhi did as Prime Minister could not be accepted as legal. Addressing a massive rally in the capital on June 25, 1975, he appealed to A. N. Ray, who had been elevated as the Chief Justice of India after superseding three senior Judges, not to hear Mrs. Gandhi's case. He had no doubt about Ray's integrity and capacity for independent judgment; even so, he should not sit in judgment on the Prime Minister's appeal "in the interest of justice". The Sarvodaya leader reiterated on this occasion his appeal to the Army and the Police not to obey illegal orders and challenged the Union Home Minister to try him for high treason. He said: "The day JP turns traitor, there will be hardly any patriot left in the country". Such angry exchanges between the rival camps tended to deepen their mutual hostility¹.

¹ Mrs. Gandhi is not accustomed to hitting her opponents with kid gloves. She has not hesitated to proclaim her doubts about Jayaprakash Narayan's patriotism or to depict him as an undependable person. While inaugurating the eleventh session of the General Assembly of the International Federation of Catholic Universities on August 14, 1975, she said that the Sarvodaya leader had never been a true follower of Mahatma Gandhi. She said: "Mr. Narayan had no doubt been in the Independence movement and off and on close to Mahatma Gandhi. But at the same time, he never fully supported him (the Mahatma) and there was often even bitterness in their exchanges".

The opposition parties drew up a well-planned programme to force the Prime Minister's resignation. They decided to mobilize public opinion to achieve this end and to organise a convention of lawyers and jurists to elicit their expert opinion on the legality of the continued retention of office of Prime Minister by Mrs. Gandhi. It was proposed that the deliberations of the experts should be presided over by K. Subba Rao, former Chief Justice of India.

The decision of the vacation Judge of the Supreme Court, Mr. Justice V. R. Krishna Iyer, on June 24, 1975 not to give an absolute and unconditional stay order against the Allahabad verdict contributed to a further deepening of the crisis. Deliberate attempts were made by influential Congressmen to misinterpret the vacation Judge's decision by claiming that it vindicated "the legal position that there is no legal impediment in the way of Mrs. Gandhi functioning as Prime Minister". The fact that the Judge had barred her from voting in Parliament during the appeal against her conviction was conveniently ignored. The determination of the ruling party to shield Mrs. Gandhi at all costs still more angered the opposition parties who, under Jayaprakash Narayan's leadership, gave a call for a countrywide civil disobedience campaign directed against her Premiership. This precipitated the enforcement of emergency rule on June 25, 1975 together with a rigorous press censorship².

Was such drastic action, leading to the destruction of the democratic processes, really warranted? The real reason for the declaration of the emergency was that the ruling party had become panicky, especially after the Allahabad decision. For a long time nothing was going well with it. Indiscipline and internal bickerings were as rife in the organisation as they were before the great split of 1969. Even on the electoral front, it was fighting a rearguard action since 1974 when it could scrape a bare majority in Uttar Pradesh and could only become the single largest party in Orissa. Elsewhere — in Pondicherry, Nagaland and Manipur — it was defeated. In Gujarat and Bihar, it was struggling for survival. In the latter State, the anti-corruption

² N. A. Palkhivala, the well-known lawyer, who had agreed to argue Mrs. Gandhi's case and had in fact appeared before the vacation Judge of the Supreme Court, gave up his assignment following the announcement of the emergency and press censorship

drive of Jayaprakash Narayan had achieved the dimensions of a mass movement. Food shortages, followed by starvation deaths, and the moral disintegration of the ruling and rich classes had caused a deep revulsion among all sections of the population. The 1971 electoral promises of the Congress had become chimerical. And yet there was no real national focus for this country-wide discontent. Suddenly that focus was provided by the combination of two events on June 12, 1975. In the morning at Allahabad, Mrs. Gandhi was declared guilty of electoral malpractices while in the evening the Congress defeat in the Gujarat elections was announced. With Jayaprakash Narayan as their leader, the opposition parties prepared themselves to bring about the downfall of the Congress by striking at its leader.

The ruling party decided to avert the storm by making the most arbitrary use of its governmental authority. It wanted the world to believe that the Allahabad decision was frivolous and malicious. Reacting strongly to this contention, Raj Narain said: "The Judge has found her (Mrs. Gandhi) guilty of giving false evidence before the Court. She can be prosecuted on charges of perjury. Is this a technical ground?" He declared that he would bring before the Supreme Court all the remaining charges upon which the Allahabad High Court did not choose to give an adverse verdict. Some of the more important charges against Mrs. Gandhi may be noticed here.

First, in recent years the election expenses have risen so sharply that the doors of the national and State legislatures are virtually barred against honest and able persons without the necessary means. In his classic on modern democracies, Lord Bryce wrote that elections did cost money. He pointed out that money might legitimately be spent on them, but if it was spent lavishly, an advantage was given to the rich candidates and to the party which had bigger campaign funds. In India, a maximum of Rs. 35,000 is statutorily permitted to be spent in the elections to a parliamentary seat. Mrs. Gandhi claimed in her returns that she had incurred an expenditure of only Rs. 12,892.97 in winning her Lok Sabha seat in March 1971.

Challenging the correctness of this figure, Shanti Bhushan, Raj Narayan's Counsel, asserted that she had spent as much as Rs. 1,28,000 on the hiring of vehicles alone. There is ample evidence to show that the cost of elections in this country has

attained unmanageable dimensions. The cost ranges from Rs. 3 lakhs to Rs. 10 lakhs. No less a body than the Election Commission is of the view that, considering the vastness of the electorate, the minimum cost which a parliamentary candidate incurs cannot be less than Rs. 50,000. Since the votes in this country have become a saleable commodity, the candidates have to spend a sizable fortune in contesting the elections. These are irrefutable facts and yet it was claimed that Mrs. Gandhi spent less than Rs. 13,000 on her election campaign.

Attempts to ensure fair and free elections were invariably frustrated by the Congress. It is common knowledge that during the election time immense sums of unaccounted money flowed freely, thus reducing the verdict of the ballot box to a farce. Besides smugglers and blackmarket millionaires, business houses filled the electoral war chests of the contesting parties, the Congress being the greatest beneficiary of their calculated munificence. Calling attention to the growth of money power in the Indian elections, the Tarkunde Committee says, "We have received ample proof that the current violation of the law by almost all parties is not primarily related to inflation. The steep rise in election expenses particularly by the Congress party which has access by reason of its power of patronage to business finance, is the result of a deliberate preference in favour of money power as a major instrument for winning elections"³.

This gross injustice to upright and financially weak candidates was sought to be remedied by the Supreme Court in its judgment in the K. L. Gupta versus A. N. Chawla case. The Court held that "When the political party sponsoring a candidate incurs expenditure in connection with his election, as distinguished from expenditure on general party propaganda, and the candidate knowingly takes advantage of it or participates in the programme of activity or fails to disallow the expenditure or consents to it or acquiesces in it, it would be reasonable to infer, save in special circumstances, that he impliedly authorised the political party to incur such expenditure and he cannot escape the rigour of the ceiling by saying that he has not incurred the expenditure but his political party has done so".

³ *Report of the Committee on Election Reform* appointed by Jayaprakash Narayan on behalf of the Citizens for Democracy, February 1975, p. 12.

This important ruling was nullified by amending the Representation of the People Act on the ground that it unfairly affected the pending election petitions. Dealing with this issue, Shanti Bhushan told the Allahabad High Court on May 1, 1975 that the ruling party was guilty of a "colourable exercise of power". He maintained that the purpose of the amendment was to protect the guilty Congress candidates who had incurred more than the authorised expenditure and whose cases were pending in the courts. He asked: "Why resort to all these subterfuges? Say clearly that this election (of Mrs. Gandhi) shall be deemed to be valid whatever the courts may say". This is exactly what the ruling party did a few months later. With the aid of a docile Parliament, it secured for Mrs. Gandhi immunity from the consequences of the Allahabad decision.

The third important charge of Raj Narain against the Prime Minister was that she gained an unfair advantage over her adversaries by adopting the cow as the election symbol. In an illiterate and superstition-ridden country like India, symbols and slogans mean everything. It is absurd to deny that the cow is an object of worship among an overwhelming majority of the Hindus. As Shanti Bhushan told the Allahabad High Court, the application of the Ram Rajya Parishad to adopt in the 1952 elections a symbol comprising a milch cow, a calf and a milkmaid, was rejected by the Election Commission on the ground that it was a religious symbol. How the cow, regarded as a sacred animal in 1952, suddenly turned secular when the Congress decided to adopt it as its election symbol is a mystery which only those initiated into the devious politics of that party could unravel. One has to go to the villages, towns and cities, including a cosmopolitan city like Bombay, to realise how the teeming millions still venerate the cow as the incarnation of the deity. I have pointed out in an earlier chapter how in the 1971 and 1972 elections the Congress symbol tamed and converted many a hostile voter in favour of that party. The continued retention of this symbol by the Congress should be regarded as a major corrupt practice.

It is thus clear that Raj Narain's indictment was strong, although only a part of it was upheld by the Allahabad High Court. It is possible that Mrs. Gandhi was advised that the Supreme Court was not likely to ignore the gravity of the charges.

The only possible course open to the ruling party to ensure her continued enjoyment of power was to make radical changes in the Constitution designed to nullify the Allahabad verdict and to deprive the Supreme Court of jurisdiction to hear appeals in the election disputes. Since such highly objectionable and arbitrary action could be taken only by suppressing opposition of every kind, emergency rule accompanied by press censorship was imposed on the country on June 25, 1975. One wonders whether the deluge of authoritarian darkness that was let loose on the country would have been considered necessary if Mrs. Gandhi had won the Allahabad case or had stepped down in obedience to its verdict of "guilty".

The ruling party showed remarkable precision in putting out the lights of democracy throughout the country. It flattered the British Indian government by borrowing its strategy when rounding up and putting behind bars all its prominent personalities belonging to the non-CPI Opposition parties. It will be recalled that most of the leading Congressmen, including Mahatma Gandhi, who had assembled in Bombay to concert measures for the "Quit India" movement were arrested on August 8, 1942 and taken to different destinations for incarceration. The same method was adopted by the Government of free India in June 1975 when it swooped on as many as 676 members of the Opposition parties and spirited them away to various parts of the country. The authors of this *blitzkrieg* deserve to be complimented on the thoroughness of their undertaking. Jayaprakash Narayan and Morarji Desai, the former a man with an outstanding record of national service, and the latter who rose to become the country's Deputy Prime Minister and narrowly missed the highest position, and both of ripe old age, were among those who were held under detention⁴.

At the same time the country was brought under emergency rule. In his proclamation of June 25, 1975, the President, Fakhruddin Ali Ahmed, asserted that a "grave emergency" existed

⁴ Miss Slade or Miraben, Mahatma Gandhi's devoted disciple, wrote thus when the Mahatma was arrested on May 4, 1930 following his march to Dandi to break the salt laws: "At the dead of night, like thieves, they came to steal him away, for, when they sought to lay their hands on him, they feared the multitudes, because they took him for a prophet".

whereby the security of the country was "threatened by internal disturbances". Simultaneously with the proclamation of emergency, the Press in the country was brought under consorship. A little over a week later, that is, on July 4 as many as twenty-six political organisations, including the Rashtriya Swayam Sevak Sangh, were banned. All these extraordinary steps were taken in the name of saving democracy from danger. It was asserted that emergency rule had become necessary to protect the country from disruption.

All right-thinking persons agree that peace and order are of paramount importance for the survival of a country. Did not the great German thinker, Goethe, say : "I would rather commit an injustice than suffer disorder"? There is good reason to believe that the proposed mass movement for the removal of the Prime Minister from her office would have convulsed the country. But would it be fair to blame the opposition parties entirely for the creation of such an explosive situation? Apart from the fact that the Congress had reached the nadir of its popularity by its various acts of omission and commission, the determination of Mrs. Gandhi's partymen to sustain her in office at all costs demanded urgent remedial measures. In a democracy, the legislature is the appropriate forum for seeking such remedies. But we had in India a monopoly democracy which had reduced the Parliament to a castrated creature. Rebellion was thus implicit in the Congress policies and in the behaviour of its leaders.

The endorsement of the emergency by Parliament in July 1975 was a mere formality. Apart from enjoying a decisive majority in the Lok Sabha, the ruling party had seen to it that all prominent Opposition parliamentarians were held in duress. Those that had not been arrested boycotted the deliberations, thus rendering parliamentary approval of the emergency one of doubtful validity. Provision was made to ensure that the emergency was not challenged in any court of law. Persons detained under the Maintenance of Internal Security Act were debarred from seeking the reasons for their arrest. With the press in shackles, all the essential attributes of a free and democratic life were taken away from the people. The liberty of the subject, with its connotation of the freedom of speech, of expression and of association, became a thing of the past. Even the martial law regime during the British raj was less rigorous and humiliating.

People could agitate against it in the press and on the floor of the legislature⁵.

It was India's pride that, while in most of the Asian and African countries the flame of parliamentary democracy had gone out, she had not only guarded it but had cherished the hope that it would burn bright in the fulness of time. This was also the hope of her foreign friends. In a series of illuminating lectures delivered in India some years ago, Mr. Justice Arthur Goldberg of the United States Supreme Court drew a vivid picture of the type of polity that existed in the Communist and democratic countries. Equating India with his own country, he said that both these countries recognised the fact that the first grand right of the people was to be ruled by laws, which they themselves approved, and not by edicts of men over whom they had no control. Pointing out that freedom of speech and expression was among the fundamental rights, he said that it was the constitutional conviction of both India and the United States that "Freedom of speech and press is the core of all liberty". The emergency and the press censorship, however, dealt a fatal blow at the free institutions in the country which could no longer claim to belong to the comity of democratic nations⁶.

⁵ The Criminal Law Amendment Bills, more widely known as the Rowlatt Bills, introduced in the Imperial Legislative Council in February 1919, were vehemently opposed by the Indian nationalists and by stalwart legislators like Sir Tej Bahadur Sapru and the Rt. Hon. V. S. Srinivasa Sastri. Speaking in the Legislative Council, Sastri said: "When Government undertake a repressive policy, the innocent are not safe. Men like me would not be considered innocent. Innocent then is he who forswears politics, who takes no part in public movements of the time, who retires into his house and mumbles his prayers, pays his taxes and *salaams* the Government officials all round". Was the plight of the people of free India any better during the emergency?

⁶ Addressing a public meeting in Bombay on August 18, 1975, the veteran Socialist leader, N. G. Goray, said that democracy would acquire greater strength through frank discussion and debate. India's great leaders like Tagore, Gandhi, Subhas Chandra Bose and Motilal Nehru were noted for their plain-speaking. "We Indians", he said, "belong to the same soil and we must try to solve our problems through mutual understanding. Anger and animosity have no place in such a scheme of things". (*Maharashtra Times*, a Marathi daily, August 19, 1975 p. 1). Even this conciliatory speech irked the State authorities who declared that such public meetings would not be allowed in future.

When the ruling party decided to abrogate the Allahabad decision through legislative action, it could do so only by silencing all opposition, including that of the press. Since the press plays a crucial role in a democracy, especially when the constitutional Opposition is weak, the assault on its freedom was as unpardonable as the clamping down of the emergency on the country. The great English poet, Milton, said : "Give me the liberty to know, to utter, and to argue freely according to conscience, above all liberties". Freedom to print news of public interest and to comment upon public affairs is rightly called the first freedom. This was denied to the Indian press, although many of the leading newspapers were loyal, sometimes disconcertingly so, to the Prime Minister and her Government. Mrs. Gandhi's complaint that "a large section" of the press was hostile to her was, therefore, untenable.

Many sensitive journalists, who escaped arrest, suffered acutely from the rigours of the censorship which was as terrible as intellectual strangulation. Even journals and magazines, with which illustrious names are associated, felt the whiplash of the censor. *Swarajya*, founded by an eminent journalist, Khasa Subba Rau, and actively supported by C. Rajagopalachari who wrote regularly in its columns, was among the victims of governmental arbitrariness. In its issue of July 5, 1975, it wrote editorially that it had entered on the twentieth year of its service to the country and mentioned the names of those who had contributed to its rise into an important organ of public opinion.

The editorial went on to say that under Rajagopalachari's guidance, *Swarajya* "never wavered from its commitment to democracy". It could go only thus far and no further. Its observations on the state of democracy in the country at the time it made them were blotted out by the censor. The censored passage runs thus : "Today grave threats to democracy are looming large on the horizon. Many of the cherished fundamental rights have been put in cold storage in the name of emergency. Conventions of parliamentary democracy are sneered at and trampled upon. We are only left with the shell of democracy, the substance having disappeared long ago. In this context, *Swarajya* pledges itself to fight for the cherished objective of a real democracy based on individual liberty and dignity of man

and seeks the combined support of our people for the achievement of the objectives”.

The foundation of the Indian Government would not have been undermined if this passage had been allowed to appear in the editorial. The journal submitted a petition to the High Court in July 1975 questioning the validity of the Government's action in ordering the deletion of the above-quoted passage. The arrogance and arbitrariness of the censors was often matched by the pusillanimity of the editors. Most of them developed a sudden horror for material even if it was mildly political.⁷ Even non-political topics, depicting the social and economic backwardness of the country, were shunned. Only articles which claimed that the India of the emergency regime was the latest edition of Ramarajya were eagerly sought and published.

The stage was thus set for playing ducks and drakes with the electoral law and the Constitution with the one and only object of annulling the Allahabad judgment and of immunising the election of the Prime Minister from the hazards of judicial review. In August 1975, Parliament was made to endorse the most drastic changes in the Representation of the People Act, 1951, the aim being to neutralise all the charges of election malpractices brought by Raj Narain against Mrs. Gandhi. Raj Narain, who was also held under detention during the emergency, had alleged that Mrs. Gandhi had held herself out as a candidate for the Lok Sabha from the Rae Bareilly constituency on December 29, 1970 and not on February 1, 1971, as contended by her. Yashpal Kapoor was still in Government service when her candidature became known and yet he was appointed as her election agent.

As we saw earlier, Mr. Justice Sinha upheld both these contentions when convicting Mrs. Gandhi. To render this part of his decision nugatory, the amendment to the Act laid down that

⁷ Even the writings of students in a college magazine were heavily censored, causing to the young authors both anger and anguish. *Sadhana*, a Marathi weekly founded by the late Sane Guruji, who was widely esteemed for his scholarship and saintliness, was exposed to unexampled persecution, but it carried on valiantly. *Janata*, an English language weekly edited by the Socialist leader, N. G. Goray, was also a victim of official high-handedness. A. D. Gorwala's *Opinion* suffered the same fate.

a person would be deemed to be a candidate only from the date of nomination. Again, Government servants would be free to give any assistance to the candidates so long as it could be construed as being part of their official duty. The ban on sacred objects and animals as election symbols was also removed. Defending this provision, the Union Law Minister told the Lok Sabha on August 5, 1975 that the final decision as to what symbol a candidate should have rested with the election authorities and not with the candidate. None could any longer contend that the cow was not an appropriate election symbol on the ground that it was held sacred by the Hindu masses. A further blow was struck at the Allahabad verdict, at the judiciary and at fair and free elections by empowering the President to determine the period of the disqualification of a candidate found guilty of corrupt electoral practices. He was unfettered not only in reducing the period of disqualification but also in waiving it altogether with retrospective effect. He was merely to consult the Election Commission before taking his decision. Who could doubt that Mrs. Gandhi was intended to be the beneficiary of this convenient legislation?

To crown such discriminatory legislation, the 39th Constitution Amendment Bill was passed by Parliament in August 1975, placing beyond challenge in a court of law the election to Parliament of the Prime Minister and the Speaker of the Lok Sabha. The election of the President and the Vice-President was also placed beyond the pale of judicial review. The Bill was specially designed to annul the Allahabad verdict and to regularise the election of Mrs. Gandhi to the Lok Sabha from the Rae Bareilly constituency. It also envisaged the creation of a new body under parliamentary law, in place of courts, to decide disputes relating to the election of the Prime Minister and the other three functionaries. Defending the patently undemocratic 39th Constitution Amendment Bill in the Lok Sabha on August 7, 1975, the Union Law Minister said that, besides being elected by "the vast majority of the people in her constituency", the Prime Minister was "recognised throughout the length and breadth of the country as the undisputed national leader". It was, therefore, "ridiculous" that her election should be subjected to a process of judicial scrutiny "even on flimsy grounds".

There are valid grounds for rejecting this line of argument. First, in a democracy and indeed in every civilized polity, the judiciary is as important as the other two organs of government, the legislature and the executive. Under a system of separation of powers—and this is the foundation of the Indian Constitution—each of these organs is not only supreme in its own field but is also independent of the other two. At the same time, they are complementary to one another in ensuring a progressive and democratic government based on the welfare and the liberty of the individual. These ideas and ideals were uppermost in the thoughts of the constitution-makers when they defined the powers of the Supreme Court. As Sir Alladi Krishnaswami Aiyar told the Constituent Assembly, this highest tribunal of the land was conferred with powers much wider than those given to any of the Federal Supreme Courts in the world.

In the name of ideologies, which have rarely been put into practice, grave inroads have been made into the jurisdiction of the Supreme Court since Independence, the 39th and 42nd Constitution Amendments presenting the most convincing testimony to this tendency. An overwhelming majority of lawyers, jurists and thinking persons have faith in the integrity and ability of the Supreme Court. The fact that the highest dignitary of the land, the President, appeared before that Court in person in the dispute over his election proves its high standing among all right-minded people. Only the fear of justice prompts the politicians to attempt an encroachment upon the powers of the judiciary.

No knowledgeable person can doubt that the 39th Constitution Amendment Act strikes at the very root of the Constitution. Both the constitution-makers and the subsequent judicial pronouncements have conceded the right of Parliament to amend the Constitution, including the chapter on fundamental rights, but Article 368 does not give it a *carté blanche* to change the very basis of the supreme statute. In the *Kesavananda Bharati V State of Kerala* case, it was made clear in the majority judgment of the Supreme Court that Parliament's right to amend the Constitution did not entitle it "to abrogate or take away fundamental rights or to completely change the fundamental features of the Constitution so as to destroy its identity".

Chief Justice S. M. Sikri spelt out what constituted the "basic structure" of the Constitution. It consisted of "(1) the supremacy

of the Constitution; (2) Republican and Democratic form of Government; (3) Secular character of the Constitution; (4) Separation of powers between the legislature, the executive and the judiciary; and (5) Federal character of the Constitution". He pointed out that this structure was built "on the basic foundation, i.e., the dignity and freedom of the individual. This is of supreme importance. This cannot by any form of amendment be destroyed".⁸ The emergency rule, the press censorship and the constitutional amendment, giving preferential treatment to certain functionaries in the matter of their election, were thus violative of the basic principles of the Constitution.

Secondly, according to the law of the land and the tenets of the Constitution, no person is superior to another in this country. The Preamble to the Constitution commits the State to secure to all its citizens, among other things, equality of status. It is true that the Preamble is not a part of the Constitution, but it does provide the key to the mind of the makers of the Constitution. Would they have endorsed the kind of discrimination provided for in the 39th Constitution Amendment? Does such a thing exist in any country governed by the principles of parliamentary democracy? One has to become a parliamentarian before one aspires to become the leader of the majority party and attain the supreme executive office. The courts cannot be deprived of their jurisdiction to try such a person if he is guilty of electoral fraud. They sit in judgment upon him not as a functionary but as a candidate who had courted the suffrage of the voters. Such a person cannot claim the privileges and immunities that are due to the holder of the Prime Ministerial office. A Prime Minister is *primus inter parse* in his cabinet and a unique person in his country by virtue of his office and it is against all canons of equity to regard him as such even when examining his actions as a parliamentary candidate. The court's concern with him is as an aspirant to parliamentary seat and not as Prime Minister who is answerable to another authority, namely, the Parliament.

Thirdly, the claim of legitimacy by the ruling party for its actions by getting them endorsed by a servile Parliament cannot stand serious scrutiny. Apart from the fact that the most momen-

⁸ *The All India Reporter*, 1973, Volume 60, Supreme Court Section, pp. 1535, 1565.

tous legislative and constitutional measures were passed when the members of the Opposition parties were in prison, the continued domination of Parliament by the Congress had reduced it into a single-party chamber so that even the most arbitrary and fanciful proposals brought forward by the ruling party were endorsed by it unhesitatingly. Besides, it was wrong to say that the Congress alone was the true representative of the people in the national and State legislatures. The only legitimate claim it could make for itself was that it was the single largest political party in the country. In all the five elections to the Lok Sabha it rode to power on minority votes. In 1952 it secured 45 per cent of the votes cast, in 1957 47.4 per cent, in 1962 44.7 per cent, in 1967 40.9 per cent and in 1971 43.5 per cent. Congress discomfiture in the Gujarat Assembly elections in June 1975 when it could secure only 75 seats in a House of 182 further exposed the untenability of its claim as the sole representative organisation of the people. Besides, its election gains were largely, if not entirely, due to its position as the ruling party.

Thus, the attack on the civil liberties and the freedom of the press was made and defended with the sole object of ensuring that Mrs. Gandhi remained in power. The validity of the measures adopted towards this end was challenged by Shanti Bhushan, Counsel for Raj Narain, before a five-man bench of the Supreme Court. Shanti Bhushan, who argued his case with considerable erudition and persuasive eloquence, held that the 39th Constitution Amendment was destructive of the "basic structure" and the "institutional pattern of the Constitution." He conceded the right of Parliament under Article 368 to amend the Constitution, but maintained that such a right could not be construed as giving absolute powers to that body to do anything it liked with the supreme statute.

Parliament, he said, overstepped its legislative and constitutional powers by seeking to oust the jurisdiction of the law courts, including that of the Supreme Court, in the matter of the election of the President, the Vice-President, the Prime Minister and the Speaker. Apart from the fact that equality in the matter of elections was of the essence of democracy, judicial review played a crucial role in providing checks and balances under a political system like the one in India where the executive and the legislature were controlled by a single party. No democracy would

survive if the party in power was given the right to declare a void election as valid. Upholding the supremacy of the Constitution, Shanti Bhusan asserted that the executive and the legislature were not free to "damage, destroy or emasculate" it.

The counsel of Mrs. Gandhi, however, maintained that the amending powers of Parliament under Article 368 were "absolutely plenary". India had adopted the British system of Government. In Britain, the House of Commons had the power to validate elections, although election disputes were settled by the law courts. The Australian legislature was empowered to settle such cases. In Japan, the basis of whose constitution was also parliamentary government, disputed elections were decided by the legislature by means of a two-thirds majority. All this is true but such an arrangement would have been unobjectionable in India too if the national legislature had not been reduced into a pliable instrument in the hands of a single party.

The 39th Constitution Amendment, according to Mrs. Gandhi's counsel, was perfectly valid. The Amendment had declared the election petition filed against her in the Allahabad High Court and the decision of that Court as void. It had further laid down that the appeal and the cross-appeal pending before the Supreme Court should be disposed of as though there was no election petition at all against Mrs. Gandhi! In making their submissions, her lawyers maintained that Parliament was supreme in poll matters and that it was wrong to suggest that judicial review of election disputes by the law courts was an essential feature of the Constitution. They dismissed as fallacious the contention that there could be no democracy without judicial review.

"If the people", declared the Attorney-General on behalf of Mrs. Gandhi, "want a particular law or rule, they will have it, and it does not become anti-democratic if they do it by an Act of Parliament". He did not explain who precisely the "people" of India were and how many among them could understand what he was talking about. The disqualification of Parliament to pass such a momentous legislation was further aggravated by what Shanti Bhusan called the "unconstitutional" detention of prominent members of the Opposition who would probably have exerted some influence on the deliberations had they been allowed to be present in the legislative chambers.

On November 7, 1975 the Supreme Court set aside the Allahabad High Court's verdict against Mrs. Gandhi besides rejecting the cross-appeal of Raj Narain. The five judges, who delivered their judgments separately, unanimously upheld her election to the Lok Sabha in 1971. The Chief Justice, A. N. Ray, turned down the findings of the Allahabad High Court that Mrs. Gandhi had held herself out to be a parliamentary candidate from December 29, 1970. Her candidature, according to him, became effective only from the date of nomination, namely, February 1, 1971. Ray's judgment concerning Yashpal Kapoor, Mrs. Gandhi's election agent, also went in her favour. The Chief Justice refused to regard the cow as a sacred animal and did not, therefore, see any objection to its adoption as an election symbol.

Ray upheld the validity of the election law amendments by Parliament with retrospective effect and declared that the services rendered by the U.P. State Government servants during Mrs. Gandhi's election campaign in her constituency were not improper. He saw nothing wrong in giving retrospective effect to legislative measures. He said: "The rendering of a judgment ineffective by changing the basis by legislative enactment is not encroachment on judicial power because the legislation is within the competence of the legislature".

He rejected the contention that the session of Parliament in which the impugned amendments to the election laws were made was unlawful. This stand had been taken by Raj Narain's counsel on the ground that many of the leading members of the Opposition parties had been held under detention when Parliament transacted such important business. "The composition of Parliament", the Chief Justice held, "is not dependent on the inability of a member to attend for whatsoever reason."

Dealing with the doctrine of the "basic structure" of the Constitution, Ray declared that it was an elusive doctrine and that its determination was "an exercise in imponderables". He further observed: "Basic structures or basic features are indefinable. If the theory of basic structures or basic features will be applied to legislative measures, it will denude Parliament and State legislatures of the power of legislation and deprive them of laying down legislative policies. This will be encroachment on the separation of powers".

Concerning the Constitution 39th Amendment, the Bench raised no objection to the provision exempting the election of the President, the Vice President, the Speaker and the Prime Minister from being challenged in a court of law. It, however, took strong exception to Clause IV of the amendment which reads thus: "and any such order and any finding on which such order is based shall be and shall be deemed always to have been void and of no effect". This sweeping provision was struck down on the ground that it violated the principle of fair and free elections. Mr. Justice Y. V. Chandrachud, a member of the Bench, declared that in the name of the Constitution, Parliament was not free to turn its attention from the important task of legislation to deciding court cases "for which it lacks the expertise and the apparatus".

The Judge further said: "If it gathers facts, it gathers facts of policy. If it records findings, it does so without leading and without framing any issues. And worst of all, if it decides a court case, it decides without hearing facts and in defiance of the fundamental principles of natural justice". He found it contrary to the basic tenets of the Constitution to hold that the amending body was "an amalgam of all powers—legislative, executive and judicial. 'Whatever pleases the emperor has the force of law' is not an article of democratic faith". Naturally, Mrs. Gandhi and her followers welcomed the Supreme Court's verdict as a great victory for their cause. There was, however, a large section of opinion which felt great admiration for Raj Narain for the courage of his convictions. Without any resources of his own, he fought a Homeric battle against an almost invincible adversary. He, however, wreaked his vengeance upon her in the March 1977 elections when he defeated her from the same constituency.

During the emergency the country was plunged into intellectual darkness. In various universities, the faculties of political science were paralysed. Subjects assigned for the Ph.D. thesis on the Indian Constitution had to be withdrawn from students despite the fact that many of them had nearly completed their labours. It was not easy to select alternative subjects. These facts meant nothing to Mrs. Gandhi when she complained, while inaugurating a conference of Vice-Chancellors on September 30, 1975, that the Indian universities had become susceptible to "very

considerable and subtle influences" which were against the country's interests. "The university", she told her audience "cannot be a sanctuary from law". It was a sermon which left many things unsaid. If Indian universities aspire to become the seed-beds of ability, then the first thing that must be guaranteed to them is intellectual freedom, which includes freedom to disagree and to speak out. But then the ruling party's concept of intellectual freedom and indeed of any kind of freedom was uniquely its own.

Thoughtful men have often asked why a great and venerable organisation like the Congress with such a glorious record of service to the country chose to cling so desperately to the leadership of an individual. Perhaps, its dignity as the ruling and democratic party could have been sustained if its senior members had chosen to act with circumspection after the Allahabad decision was announced. Instead, its President, D. K. Borooah, declared before his party's legislators that the people were the highest court in the country. Their verdict alone was valid. The law might be supreme but "laws are made by people and the leader of the people is Mrs. Gandhi". On another occasion, speaking the language of a panegyrist, he propounded the "basic truth of Indian political life, namely, that India is Indira and Indira is India"!

Other senior Congressmen were perhaps less obsequious but they too failed to tell Mrs. Gandhi where her duty lay. Soon after the Allahabad verdict became known, they rushed to her residence to tell her without any sense of self-respect and in utter disregard of their own responsibilities in a democratic polity that her "dynamic" leadership was "indispensable to the integrity of the country". The counsellors thus chose to play the role of courtiers. The Congress Parliamentary Party did even better. It declared on June 18, 1975 that Mrs. Gandhi's leadership was "now all the more necessary" because she "symbolises the resurgent India of today and the aspirations of the people".

Why did the rank and file of the ruling party, with a few noble exceptions, choose to supplicate before Mrs. Gandhi like this? Most of them knew that she does not possess the various qualities of leadership they so lavishly attributed to her. Nor were they honest when they equated her and the Congress with India. Congressmen desperately depended upon her because they

were convinced that without her they were like scattered sticks which could be broken singly and serially. A ramshackle organisation, nursing many grave infirmities, including corruption, jealousy and mediocrity, they feared that their party would fall apart without her holding it together. She is not a superwoman and was not, as I have shown earlier in this book, chosen for the Premiership after detecting any outstanding qualities in her. She had, however, certain advantages which none of her colleagues in the party possessed. As the daughter of a great man, as a woman and as a resourceful scare-monger and thus winner of votes from women, the minorities and the depressed classes, she had attained a certain degree of indispensability to her organisation. These were perhaps sufficient grounds for her servile party-men to desire her continued leadership, but they were totally unacceptable to others. It was preposterous to suggest that India could not live without the Congress or Mrs. Gandhi. Since millennia this ancient land of ours has known the secret of survival and it is the height of absurdity to suggest that any single mortal can sway its destiny.

11. *RETURN TO FREEDOM*

On January 18, 1977 Mrs. Gandhi announced, after holding the country in fee for nineteen long months, that elections to the Lok Sabha would be held in the month of March. She claimed that emergency rule had done much to advance the moral and material progress of the country. The people, she asserted, had "shaken off the sense of defeatism and gloom" and had acquired a "new pride in being Indian". She accused her political opponents of having preached violence "openly" instead of awaiting new elections. The emergency had successfully grappled with many an intractable problem, including inflation. "Others are studying our anti-inflation strategy", she announced proudly. She claimed success for her twenty points and her son's five points programme. "Even though much remains to be done", Mrs. Gandhi said, "they have generated an attitude of confidence and have galvanised young and old. In spite of criticism, there is a new respect for our country abroad".

The Lok Sabha, which was elected in 1971, could, Mrs. Gandhi said, legally continue for another fifteen months, but she had advised the President to dissolve it and order fresh elections because of her and her party's "unshakable" faith in democracy. It was the strong belief of both that "Parliament and Government must report back to people and seek sanction from them to carry out programmes and policies for the nation's strength and welfare". Every election was an act of faith and it gave an opportunity to "cleanse public life of confusion". The emergency rules would be "further" relaxed to enable the opposition parties to take part in the March elections.

Mrs. Gandhi's radio broadcast of January 18 was a fine specimen of rhetoric. There was certainly a crisis in the country's affairs when the emergency was forced upon it, but it was essentially the outcome of the Government's failure in nearly every field of national activity. The stability, about which Mrs. Gandhi spoke, was of a type that is unknown in the democratically-governed countries of the world while the much-advertised economic gains are, as will be shown presently, mostly illusory. Never-

theless, the Prime Minister's announcement to hold fresh elections to the Lok Sabha was most welcome. The decision, however, came as a great surprise to most people. On June 17, 1976, the President had issued an ordinance extending the life of the Maintenance of Internal Security Act by one more year and had on the following day made the provisions of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act (COFEPOSA) more stringent. It is impossible to think of any piece of legislation blacker than these two. In these circumstances, it was natural to believe that the emergency, with all the attendant assaults on the democratic processes, had come to stay.

Why then did Mrs. Gandhi, who was enjoying a plenitude of arbitrary power when she made the January announcement, choose to allow the country to return to the path of democracy, albeit haltingly? Her election speeches belie the belief that there was a change of heart in her. She is credited with being an astute politician and it is this quality in her which perhaps prompted her to ask for fresh elections in March in the belief that it would insure her party's victory. Whatever might have been her calculations, the fear that the emergency rule would sooner or later collapse under the weight of its own iniquity could not be altogether absent from her mind.

Many factors combined to compel its relaxation. First, the Western democracies, which had taken keen interest in the working of the free institutions in this country since it became free, were unhappy about its sudden lapse into authoritarianism. Both directly and indirectly, their spokesmen made it known that restoration of constitutional democracy would please them most. Willy Brandt, former West German Chancellor, and Philip Noel-Baker, a Nobel Peace Prize winner, made no secret of their dissatisfaction with the Indian situation. India is a major beneficiary of American generosity. The mother of the present U.S. President, Jimmy Carter, had lived in India for some years and bears a genuine affection for this country and its people. The various gestures of Carter both before he entered upon his exalted office and after, clearly indicated that he wanted cordiality to be restored between the two countries as it had prevailed in the days of President Kennedy. It would have been impossible for the head of the world's most powerful democracy to achieve this result if India had continued to writhe under the deadweight of despotic

rule. India is a part of the world and cannot expect to live apart from it. She needs the help of advanced countries to achieve her economic goals. Ram Jethmalani, former President of the Bar Council of India, and a candidate to the Lok Sabha from Bombay, declared categorically that it was impossible for Mrs. Gandhi to resist Western pressure. He said: "However much Mrs. Gandhi might disown it, I have no doubt that the pressure of Western opinion has been a potent factor in compelling her to hold elections. She could afford to ignore the opinion itself but not the benefits which flow from a favourable opinion"¹

Secondly, India had always prided herself on her system of government, claiming that she alone had a democratic polity on the Indian sub-continent. When the Prime Minister of Pakistan, Z. A. Bhutto, announced the holding of elections to that country's National Assembly, the hands of the Indian ruling party were forced to do likewise for fear of being accused of authoritarianism. Thirdly, the pressure inside the country for the restoration of civil rights, though not strongly felt, was steadily mounting and could not be held in check indefinitely. The underground movement had remained pretty active and was becoming increasingly bolder "partly because of the tacit support from the forces of Mrs. Gandhi's law and order." The emergency rule had caused much disquiet among sizable sections of the bureaucracy—a fact which accounted for Dr. Subramaniam Swamy's escape from the country through a major airport. "Sympathetic censors", we are told, "have passed political messages through the post and in and out of jail; agents in post offices have disconnected troublesome taps on telephones; civil servants have provided access to official files". The same authority goes on to say that underground leaders were given sanctuary in homes over the length and breadth of the country at great risk.²

Fourthly, the ruling party had to reckon with India's capricious monsoons which had been kind to her during the last few years. There could be no certainty that agricultural production,

¹ Ram Jethmalani was pitted against H. R. Gokhale, Union Law Minister, whom he routed in the March 1977 elections from a Bombay constituency.

² *The Economist* of London, December 4, 1976, pp. 67-68. Dr. Swamy also contested the Lok Sabha elections from Bombay and won against his Congress rival.

the pivot of the national economy, would be maintained at the same high level in the coming years. The rise in prices, which had abated only for a short period, and the growing unemployment had greatly widened the area of distress and unrest. It was considered prudent to hold the elections before popular discontent could assume ungovernable proportions. As *The Economist* put it, a potential source of "spontaneous combustion are the price rises and shortages many Indians are suffering from despite the well-publicised stabilising effect of the emergency".

Lastly, Mrs. Gandhi must have been advised to strike while the iron was hot. With most of their prominent leaders in prison, the opposition parties were believed to be in a state of disarray. It was pleasant to think that the spirit of most of these leaders, who were subjected to varied types of mental distress and physical hardship, could not have remained unbroken after nineteen months of agonising experience. A divided, distracted and dispersed opposition, with the bulk of its rank and file in a supposed state of bewilderment, would be no match for the ruling party with its great prestige and immense resources and with the poorly-concealed backing of its beneficiaries in the Government. The fact that since 1952 the Congress had not secured a majority of votes in any of the elections did not weaken its optimism since it felt confident that the opposition parties would never come together to present a united front to it. In any case, the time given to them to organise themselves for the March elections was so short that it would be humanly impossible for them to face the powerful Congress in an equal combat.

The Congress and its counsellors, however, made one stupendous miscalculation. They signally failed to fathom the depth of popular anger and resentment over the various measures that had been adopted during the nineteen months since the imposition of the emergency. There was an astonishing throwback to the medieval methods of government. It was not only the independent-minded intellectuals but also the masses who shook with fear and forebodings about their fate and future. The doctrine of *habeas corpus*, a priceless gift of the British Raj, was shattered with the cynical zeal of an iconoclast by taking it outside the jurisdiction of the law courts. Hundreds and thousands of people, including men and women, young and old, were torn from the

bosom of their families and taken away to unknown destinations to suffer or to succumb to the privations of prison life.

The law of the jungle that prevailed in the name of emergency was a respecter of none. Even the most esteemed leaders, bent with age and sacrifice for the country, were treated as if they were mere chaff. The nonagenarian Acharya Kripalani, whose long life is a saga of self-abnegation and service to the motherland, was not allowed to lead the prayers at Rajghat in New Delhi on October 2, 1975. It was Mahatma Gandhi's birthday and a small group of Sarvodaya workers desired to celebrate it with prayers at the Mahatma's *Samadhi*. As soon as the Acharya began his speech, a posse of policemen armed with sticks descended upon them and peremptorily asked the non-violent leaders, including Dr. (Miss) Sushila Nayar, to disperse. No explanations could satisfy the "guardians" of law and order. To the great disappointment of the assembled Sarvodaya workers, the prayer meeting could not be held. Writing about the episode, Acharya Kripalani asked: "If people assembled peacefully at Gandhiji's *Samadhi* on his birthday cannot speak or hear of him and his work, what are they assembled there for?" He concluded his article with the words: "I write more in sorrow than in anger or resentment".³

Morarji Desai, the present Prime Minister, is past eighty and has served the country in many ways. He disclosed at Trivandrum on February 21, 1977 that when he was under detention, a Minister visited him and told him that only his body would come out of the jail. Jayaprakash Narayan, who in recent years has played a conspicuous part in rousing the civilized conscience of his countrymen, has complained that his kidneys were damaged beyond remedy during his imprisonment. Atal Behari Vajpayee is almost equally loved by the masses and feared and detested by the Congress party and its leaders. He disclosed the other day that when he was admitted to the All-India Institute of Medical Sciences in New Delhi, a visiting Congress leader was all caution. Asked to explain the Government's action, the visitor wrote on a piece of paper revealing that the room was bugged. He could not, therefore, talk freely⁴. Many such episodes can be cited.

³ *Opinion*, October 14, 1975. The article is called "*A Painful Episode*".

⁴ *The Times of India*, March 1, 1977, p. 7.

For sheer savagery, the treatment meted out to Lawrence Fernandes, brother of the well-known Socialist leader, George, beggars all description. He was arrested on May 1, 1976 and was beaten by the police of Bangalore with such brutality that he eventually emerged from his ordeal as a physical wreck. It is a miracle that he came out alive at all. The police, who used every diabolical device of torture on their innocent and defenceless victim, took fiendish delight in his suffering. At first thrown into a condemned cell, he was later transferred to a less loathsome place when the inmates of the jail resorted to hunger strike under the leadership of Professor Madhu Dandavate, the Socialist leader of Maharashtra, who was taken away from Bombay to be jailed in Karnataka. When Lawrence Fernandes was released he had become a skeleton. He said: "No one recognised me. I had lost over twenty kilos".⁵

Even more terrible and tragic was the experience of Snehalata Reddy, a well-known film actress of Karnataka. She was arrested because she was guilty of the heinous crime of being on friendly terms with the Fernandes family. "Overnight", wrote the Bangalore correspondent of the *Indian Express*, "her beautiful world collapsed and a nightmare of fear and uncertainty began". She was thrown into a cell where even a beast could not survive. The authorities could make out no case against her and yet she was held under the notorious MISA. The unfortunate woman could not bear the humiliation and hardship of prison life and won her freedom from man's inhumanity by going into Eternal Sleep⁶.

Karnataka was not the only State guilty of such barbarism. The Maharashtra Government arrested Mrs. Mrinal Gore, a dedicated worker of Bombay on behalf of the deprived classes, for reasons probably unknown to itself. She was taken away to a district place and thrown into a prison. While her companions were lepers, a starkly mad and naked woman raving all the time, was in Mrs. Gore's close proximity. The conditions under which she was condemned to live were so horrible that a concerted move was made to get her out of that living hell. After much effort, she was removed to another district jail. Only a woman of her indomitable will could survive the ordeal and yet

⁵ *Indian Express and Financial Express*, March 11, 1977.

⁶ *Indian Express and Financial Express*, March 12, 1977.

a Maharashtra minister, forgetting all canons of decency, declared that her cheeks were ruddy when she was liberated. There was a public outcry against his outrageous statement.

None could claim immunity from bureaucratic aggression. Miss Durga Bhagwat is an eminent scholar and was the President of the Marathi Sahitya Sammelan in 1976. Like many of her class, she believes in the freedom of expression as an essential attribute of civilized existence. From a number of platforms, literary and public, she demanded that there must be an end to the intellectual strangulation of the national elite. During the emergency it was a crime to call a spade a spade and Miss Bhagwat had to pay heavily for her boldness. There are innumerable instances where hundreds of people were swept into prison not knowing why they were being so punished. The Black Hole of Calcutta might have been a myth or a reality, but there is evidence to show that dozens of detenus were pushed into single narrow, dark and dingy cells to spend long and weary weeks and months under bestial conditions. Many died without the capacity to endure the unaccustomed prison life and without timely medical aid.

The rulers watched such atrocities with unseeing eyes. Some of them added insult to injury. The Chief Minister of Maharashtra declared at Poona on February 14, 1977 that the detenus must be thankful to the Congress government. While in other countries political dissenters were shot dead, in India such persons were merely jailed. This surely is not the language of a democrat. In his Memoirs, the late Anthony Eden, a leading British statesman who held the office of Prime Minister, wrote: "Lord Halifax told me at luncheon Hitler had said he was unable to understand why we put up with unrest in India. 'All you have to do' he remarked briskly, 'is to shoot Gandhi. If necessary shoot more leaders of Congress. You will be surprised how quickly the trouble will die down'".⁷ It was too much for the German Dictator to realise that such methods are unknown to British traditions.

The British certainly did not fight Indian nationalism with kid gloves. They too committed excesses, as at Jallianwala Bagh in April 1919, but the prison administration under the foreign

⁷ *The Eden Memoirs*, Cassell, 1962, p. 516.

Raj was far more humane than that of free India under emergency rule. An incarcerated Motilal Nehru was treated with the utmost courtesy and was provided with amenities unknown in the annals of Indian prisons.⁸ A. K. Gopalan, the Communist leader, described as the 'doctor of the underground', who was the inmate of Indian prisons both during the British period and thereafter, has this to say about his jail experience during the earlier period: "Bread and coffee in the morning; at noon, full meals with ghee, curd and all; tea and tiffin at three o'clock; at seven in the evening a full meal with meat; and finally a cup of milk at bed-time comprised the detenu menu". He also comments favourably on the furniture and the bedding provided in the prison cells. Besides the provision for sports, ample facilities were given to the detenus to pursue their studies. Such soft life was not to Gopalan's liking.⁹

It was not just the political opponents of the Congress Raj who were singled out for oppression. All those who opposed the ruling party's new-fangled social and civic ideas were treated with equal severity. Sponsored by Sanjay Gandhi, the sterilisation programme was put through by the most high-handed methods. Control of improvident motherhood is a necessary reform to save the country from utter ruin, but great caution is necessary when dealing with a people whose beliefs and mental make-up are a handicap to their appreciation of the true implications of progress. In the craze for achieving "results", even youngmen in the full tide of their manhood and unmarried were forcibly rendered sterile. The zealots and the mercenaries did not spare even old men. In many parts of the country, and more especially in the northern States, a reign of terror was unleashed with Sanjay Gandhi's name being freely associated with it.

The Imam of the Jama Masjid, Delhi, Syed Abdulla Bukhari, voiced in trenchant language the outraged feelings of the aggrieved people all over the country when addressing a largely-attended Friday prayer meeting on February 25, 1977. He told his Delhi audience that millions were tortured in the name of family

⁸ *The Indian Triumvirate: A Political Biography of Gandhi, Patel and Nehru* by V. B. Kulkarni, Bharatiya Vidya Bhavan, 1969, pp. 463-64.

⁹ *In the Cause of the People: Autobiographical Reminiscences* by A. K. Gopalan, Sangam Books, Orient Longmans, 1976, p. 146. Gopalan died on March 22, 1977.

planning. The Jama Masjid riot in 1975 and the outbreak of violence at Muzaffarnagar later were in protest against such official tyranny. Even the citizens of the country's capital were not spared. People were forced to come out of buses and get sterilised. "How can such a thing be tolerated?" he asked. The Imam also recalled that in the name of slum-clearance, another cardinal point in Sanjay Gandhi's idiosyncratic crusade, thousands of helpless people were removed from Delhi and their houses bull-dozed. Those who resisted were shot dead at the Turkman Gate. Condemning the ruling party's vendetta against the Rashtriya Swyam Sevak Sangh and its tendency to foist its own failures on this organisation, the Imam asked whether it was the RSS which was behind the violent deeds of bureaucracy in Delhi and elsewhere. "We never want", he declared, "to make the Jama Masjid the 'Taj' of India at the cost of our brothers and sisters of all communities".¹⁰

In the home State of Mrs. Gandhi and her son, the family planning programme degenerated into a bloody affair. "There were", writes *The Economist*, "twentyone incidents this autumn in the state of Uttar Pradesh alone in which Mrs. Gandhi's central reserve police fired on angry crowds; 467 people are alleged to have been killed".¹¹ No less a person than Bansilal, Union Defence Minister, admitted on February 19, 1977 that the drive for controlled families was marked by excesses. He said: "The Government apologises to the masses for compulsory sterilisation and in future coercive methods will not be used". Mrs. Gandhi also conceded at the Boat Club meeting in New Delhi on March 1, that mistakes had been made by her Government in implementing the family planning programme and in the settlement of the seven-lakh hutment dwellers of Delhi. Thus, in the name of reform, an immature and over-zealous youngman, with no official authority of any kind and assisted by a brutalized bureaucracy, inspired a surge of bestialities unparalleled in the social history of this country.

Till the formation of the Janata Party and the withdrawal of Jagjivan Ram from the Union Ministry and the Congress party, Sanjay Gandhi had grown into a phenomenon in Indian politics.

¹⁰ *Indian Express*, February 26, 1977, p. 1; the Imam spoke on these lines in many other places, see *Indian Express* March 12, 1977, p. 1.

¹¹ *The Economist*, December 4, 1976, pp. 67-68.

There was a growing feeling both in India and abroad that his mother was grooming him to succeed her to the Prime Ministerial position. According to a foreign observer, an important element in Mrs. Gandhi's vision of herself as the sole person to hold the country together was the "political development of her son as the next link in the Nehru dynasty".¹² He was encouraged to wield an enormous mass of extra constitutional powers and no less a person than H. N. Bahuguna, former Chief Minister of Uttar Pradesh, complained on February 7, 1977 that Sanjay Gandhi had made many policy statements. "We do not", he said, "hear sons of British Prime Ministers or French Presidents making government announcements". The entire paraphernalia of the Government was at the disposal of the young man who could order about and even unseat the Chief Ministers with impunity. Mrs. Gandhi vehemently denied that a dynasty was in the making, saying that her son was only an insignificant Congress worker and a small fry. It was a strange fry indeed which attempted to swallow the pike! Jagjivan Ram, who knows what he is talking about, declared on February, 25, 1977 that Mrs. Gandhi was trying to turn the country's democracy into a monarchy. Raj Narain, her rival for the Lok Sabha seat, declared with absolute finality: "The only gain of the emergency is Mr. Sanjay Gandhi".

Perhaps, the orgies of violence in the name of family planning and Sanjay Gandhi's meteoric rise could have been arrested if the press, with its unlimited capacity for exposure and idol-smashing propensities, had been allowed to function as before. The rigours of press censorship increased in proportion to the growth in the intensity of emergency misrule. Some of the censors developed a sudden revulsion for the printed word. Their ruthlessness was only matched by their witlessness. While the publication of even the officially issued price index was interdicted, the editor of a paper was directed not to permit his deputy to write! In-fighting among Congressmen has become their second nature and the emergency failed to cure this inveterate habit. Squabbles among the members of the ruling party have always provided front-page news in the Indian press, but they were effectively blacked out during the emergency in order to

¹² *The Financial Times*, London, February 8, 1977, p. 14.

create a false impression that all was well with it. Reports of sterilisation horrors were also successfully blocked from getting into the newspaper columns.

Even the pronouncement of judgments delivered openly in Courts were not reported. Commenting on this aspect of censorship, Chief Justice V. D. Tulzapurkar of the Bombay High Court said on January 16, 1977 when declaring open a new court building at Nagpur, "It is difficult to understand the attitude displayed by the censoring authorities, when objections are taken to the publication of news items pertaining to Court judgments in certain newspapers, even when news items of those judgments have appeared in other newspapers after having got clearance from the censoring authorities". He said that he was calling attention to this fact because "it is of the essence of our judicial system that Courts are open to the public and newspapers enlarge the area of the public which is entitled to the scrutiny of judicial pronouncements".¹³

Assertive journalists were pushed behind bars, their number, according to *The Economist*, being 270. It was a suffocating experience. In an open letter to Mrs. Gandhi, released on March 2, 1977, Surendra Mohan, General Secretary of the Janata Party, pointed out that even the speeches and writings of Mahatma Gandhi, Poet Tagore and Jawaharlal Nehru were not allowed to be reproduced during the emergency. *The National Herald*, Nehru's own paper, had also to bear the brunt of this insensate black-out. Samachar, which rose on the ashes of some of the well-established and reputed news agencies and became subservient to the ruling party, specialised in putting out patently partisan news. It circulated in the name of news the most blatant canard about Jagjivan Ram, saying that he had developed "heart congestion". All India Radio eagerly picked up the fable and broadcast it to the nation. Commenting on the unethical behaviour of the Government-controlled mass media, Jagjivan Ram said: "Samachar and AIR are at their old tricks again". The observations of a Bombay weekly, which was pro-Indira Gandhi till recently, on the working of the press censorship are interesting.

¹³ *Freedom First*, edited by M. R. Masani, March 1977, p. 8.

It wrote: "Never before was India's mass media so perverted, not even under the wartime British censorship".¹⁴

All India Radio, the most powerful mass medium, reaching some 80 per cent of the population, has long distinguished itself for its partisan attitude. During the emergency and even later it functioned as if only the Congress, Mrs. Gandhi and her son existed in this country. In its scale of values, the last two outweighed India's 620 millions. Other parties and the masses did not matter at all and if the latter were remembered it was only to do propaganda for the Congress regime. Reports of interviews, real or imaginary, with hutment dwellers, farmers, landless labourers, dhobis, malis and a host of other deprived members of the community were broadcast with disgusting frequency, purporting to convey their gratitude to the Congress Government for liberating them from their many hungers and miseries. For sometime, Sanjay Gandhi was played up as an incomparable champion of the dispossessed millions. "For days on end", writes a knowledgeable commentator, "the audio-visual media gave more detailed coverage to the activities of Mr. Sanjay Gandhi than those of the Prime Minister herself and he had plainly emerged in the political hierarchy as a figure next in importance to the PM".¹⁵ In their enthusiasm to serve their masters, AIR and its little one, Doordarshan (Television) forgot that there is such an entity called the people. After watching their performance over a period of years, the influentially supported plea for putting them under the control of an independent authority becomes irresistible.

Another great "achievement" of the emergency was to devalue further the importance of the Constitution. As pointed out in the last chapter, the Constitution 39th Amendment, which came into force on August 10, 1975, had greatly succeeded in "defacing and defiling" the Constitution, but the ruling party was still not satisfied with this outcome. Its principal aim was to demolish the thesis, sustained by the Supreme Court and supported by many eminent jurists, that the Constitution contained certain basic features which it was not open for Parliament to alter or to abrogate. In pursuit of this aim, it was determined

¹⁴ *Blitz*, February 26, 1977, p. 5.

¹⁵ Article in the *Indian Express*, February 21, 1977.

to give Parliament plenary powers to do whatever it chose with any part of the Constitution. Such a result could be obtained only by making deep inroads into the powers of the judiciary—so deep indeed that it would have no jurisdiction to try even cases involving fundamental rights. The Directive Principles of State Policy were given primacy in relation to fundamental rights even though their provisions were not enforceable in a court of law. In the guise of ensuring the supremacy of Parliament, the ruling party really aimed at strengthening its own hands to gain absolute control over the Constitution at the expense of the judiciary and of basic human rights.

The Congress President accordingly appointed a Committee under the Chairmanship of Sardar Swaran Singh to make recommendations for amending the Constitution with a view to securing these results. In its Report of February 26, 1976, the Committee conceded that the Constitution had “functioned without any serious impediment during the past twenty-six years since it came into force”. At the same time, it thought that difficulties had arisen particularly concerning the right of Parliament “to be the most authentic and effective instrument to give expression and content to the sovereign will of the people”. It agreed that the legislature, the judiciary and the executive constituted the “main pillars of our parliamentary democracy”, adding that the system of parliamentary democracy was best suited to this country. To pave the way for making far-reaching recommendations, the Swaran Singh Committee declared: “Ours is a dynamic, moving and changing society, and the need to quicken the pace of socio-economic progress of our people has never been more urgent”.

The Committee went all out in making recommendations that were calculated to subvert the very foundation of the Constitution. The suggested changes included the Preamble, although it does not form part of the Constitution. Before its amendment, the Preamble was a model of brevity and lucidity, but its excellence has been wrecked by importing into it ambiguous words like “socialist”, “secular” and “integrity”. The word “socialism”, it is well-known, has lent itself to a Talmud of interpretations and its inclusion in a precise document can yield no positive results. The other two words are equally superfluous and yet Parliament accepted the changes and incorporated them in the revised Preamble which has lost both its original rhythm and beauty.

The Committee asked for the inclusion of a new chapter in the Constitution on the "fundamental duties" of citizens by ignoring the fact that in a democratic polity rights cannot be divorced from duties. The Committee held that Article 31-C should be further stiffened so as to cover "legislation for the implementation of all or any of the directive principles" and that such legislation should not be subjected to judicial review. This meant that no citizen could go to a court of law for redress even if his fundamental rights were assailed. The Constitution Amendment Bill added another sub-clause to Article 31 providing for making parliamentary law to prevent anti-social and anti-national activities. Any laws made to achieve this end could not be challenged on the ground that they took away the fundamental rights.

The allergy of the Congress party to fundamental rights is truly amazing. The right to property is not the only fundamental right that is embodied in the Constitution. There are a host of others and are indispensable to civilized existence. In an illuminating article on the Swaran Singh Committee Report, N. A. Palkhivala has this to say about the recommended change in Article 31-C: "I do not have in mind the right to property—in fact, it may be better for the future of India if the remnant of the right to property is wholly removed from the chapter on Fundamental Rights so as to put an end to the perpetual and deliberate distortion of the issue of the basic human freedoms by snide references to the right to property".¹⁶

The proposals for curtailing the jurisdiction of the judiciary were no less far-reaching. The Committee wanted that the powers conferred on the Supreme Court under Article 32 to enforce fundamental rights should be reduced. Similar inroads should be made into the powers of the High Courts to issue writs, directions and orders under Article 226. It further urged that the constitutional validity of any Central law should be challenged only in the Supreme Court and that of State law only in the High Courts. It was proposed that both the Supreme Court and the High Courts must have a special majority to strike down a law as being unconstitutional. In the case of the Supreme Court, the Bench should consist of seven judges for this purpose while the number

¹⁶ *Destroying the Constitution* by N. A. Palkhivala, in *The Illustrated Weekly of India*, July 4, 1976.

of judges in the High Courts should be five. "The proposal", says Palkhivala, "violates the rudiments of arithmetic. Neither two-thirds of 5 nor two-thirds of 7 is a whole number, and a fraction of a judge cannot vote for or against the validity of a law". He adds that benches are not practicable "except in the rarest of cases".

The main object of constituting the Swaran Singh Committee was to secure absolute supremacy for Parliament in every sphere of legislation. The Committee declined to see any immutable principles in the Constitution. Every part of it was amenable to change. It was, therefore, proposed that a new clause should be inserted in Article 368 making it clear that any amendment to the Constitution "shall not be called in question in any court on any ground".¹⁷

The interpretation of this Article has long been controversial. Many jurists are of the view that it does not give full rights to Parliament to tamper with the basic tenets of the supreme law of the land. No legislature can arrogate to itself either the status or the powers of the Constituent Assembly which alone is qualified to revise or to rewrite a constitution. Commenting on the inviolability of certain parts of the Constitution, Palkhivala says: "A reading of the Constituent Assembly Debates leaves no doubt that if the leaders had provided for the abrogation of fundamental rights by Parliament in exercise of its amending power, large sections of the people, specially the religious and linguistic minorities, would have never agreed to accept the Constitution".¹⁸

The Swaran Singh Committee's recommendations were thus designed to distort the constitutional structure beyond recognition and yet, thanks to emergency conditions, they did not receive sufficient public attention. The mass media were fully utilised in support of the proposals, but views opposed to them were ignored. On September 1, 1976, H. R. Gokhale, Union Law Minister, introduced in the Lok Sabha a comprehensive Constitution Amendment Bill which, besides incorporating most of the Swaran Singh Committee's major recommendations, carried a

¹⁷ *Proposed Amendments to the Constitution of India by the Committee Appointed by the Congress President, Shri D. K. Borooah on February 26, 1976.*

¹⁸ *Our Constitution: Defaced and Defiled* by N. A. Palkhivala, Macmillan, 1974, p. 29.

number of new articles. In its final form, the Constitution 42nd Amendment has changed forty Articles and the Seventh Schedule and has introduced fourteen new Articles.

The Law Minister, who piloted the Bill in Parliament, was neither persuasive nor convincing. He spoke in the style of a commander backed by big battalions. With some of the most powerful parliamentarians from the Opposition parties in prison and with many others boycotting the proceedings because they refused to be present as reluctant ciphers in the House, the whole field lay open and unchallenged before the Minister. His attack on the judiciary was both unfair and indecorous. Rejecting the claim that certain basic features of the Constitution were unchangeable, he maintained that the Supreme Court had not stated what they really were. His contention was, of course, invalid. As pointed out in the last chapter, in the *Kesavananda Bharati V State of Kerala* case, Chief Justice S. M. Sikri had clearly stated what constituted the "basic structure" of the Constitution.

The Law Minister alleged that the country's socio-economic progress had been arrested by judicial pronouncements. On October 26, 1976, he declared: "Judicial history shows that at every stage, when something was done with a view to give effect to the objectives, a hurdle has been thrown". Two days later, he warned the Judges that they could not act as a "third chamber" or as a "house of correction". They should learn to understand their position "even so late as now". He denied that he was denigrating the judges and added "we are really trying to save them from the temptation to intrude into powers which did not belong to them. What we are trying today is to save them from themselves". He accused them of being many generations behind the times and warned that "if a confrontation recurred, it would be a bad day for the judiciary of the country". Such gratuitous insults to the judiciary, including the Supreme Court which was specially clothed with large powers by the constitution-makers, were widely resented.

Calling attention to the various insulting references to the judiciary made by the Union Law Minister, Chief Justice V. D. Tulzapurkar complained in his Nagpur speech that they were derisive, contemptuous and threatening. He asked: "Was all this really necessary to convince the Members of Parliament about the justification of the proposed Constitutional Amendments"?

The Minister was championing a wrong cause and perhaps his conscience disturbed him. He conceded on November 2, 1976 that the Bill, when passed, would make a "qualitative" change in the Constitution. It would, he added, mean "a new approach to the problem". The key to his aggressive postures should, therefore, be found in the manifest untenability of the legislation he was piloting.

It was the same unfair and irrational attitude towards the judiciary which led to gross injustice being done to some of the ablest Judges of the Supreme Court. The supersession of three judges of that Court in 1973 was indefensible. Similar injustice was perpetrated in January 1977 against Justice H. R. Khanna who was passed over for the Chief Justiceship. The upright and mettlesome judge resigned in silent protest. He had become *persona non grata* with the ruling party because he showed the courage of his convictions in the *habeas corpus* case that came up before the Supreme Court and was decided on April 28, 1976. The writ petitions were filed by Atal Behari Vajpayee, S. N. Mishra, L. K. Advani, Madhu Dandavate and many others. The Supreme Court decided against them by a majority of 4:1 saying that no writ petition could be entertained during the emergency.

Justice Khanna was the sole Judge who differed from this view. He held that the President of the Indian Union could not take away the right of citizens granted by the law made by Parliament and that the Court's jurisdiction was not barred. "There is no antithesis", he declared, "between the powers of the State to detain a person without trial under a law of preventive detention and the power of the court to examine the legality of such detention". It would be a matter of melancholy reflection, he said, if the Courts were to stay their hand and countenance laxity or condone lapses in relation to compliance requirements prescribed by law for preventive detention. Such independence and intellectual integrity did not go unnoticed.

Writing about this sordid affair, Palkhivala says: "Can it be possibly suggested that all the excellent qualities of Khanna as a judge were outweighed by the single factor of the shortness of tenure as Chief Justice? The time has come to give the most serious consideration to the question whether a more satisfactory machinery should not be devised for the choice of the Chief

Justice and judges of the Supreme Court than the mere whim or will of the executive"¹⁹.

A less noticed aspect of the Constitution Amendment Bill, which was passed by the Lok Sabha on November 2, 1976, is the further emasculation of the office of the President of the Union. As pointed out in the earlier pages, Dr. Rajendra Prasad strove hard to prove the inappropriateness of equating the elected office of the Indian President with the hereditary British monarchy. The Constitutional Adviser to the Constituent Assembly and quite a number of influential members of that body did not desire that the President should merely become a costly pageant and a pliant instrument of the executive. Before its amendment, Article 74 had laid down that there should be a Council of Ministers with the Prime Minister at the head to aid and advise the President in the exercise of his functions. The President was thus under no constitutional obligation to construe all aid and advise given to him as mandatory.

But under the Constitution (Forty-second) Amendment Act, 1976, whatever discretionary powers he could claim before have now been taken away from him. He has merely to sign on the dotted line, though one of his responsibilities is to defend the Constitution. The basis of the Indian government is federal and the constituent States enjoy a fair degree of autonomy. In the event of a dispute between them and the Centre which is of a nature that cannot be resolved by the judiciary, it is the President that is the ultimate authority. By depriving him of this role, the Centre has not only increased its power in relation to the States but has also put a premium on Prime Ministerial absolutism.

Even in Britain, where the role of the Crown is strictly constitutional, the monarch has often played a crucial role in influencing the course of national events. The Crown, says A. J. P. Taylor, "is not just a symbol in the British Constitution; it plays an individual and sometimes a decisive part. Normally, of course, its function is, to use a hard-worn phrase of Bagehot, to advise, to encourage and to warn, but it is the essential prerogative of the monarch to appoint the Prime Minister. George V exercised his independent judgment when he appointed Lloyd George to

¹⁹ *Salute to Justice Khanna* by N. A. Palkhivala, *The Sunday Standard*, Januray 30, 1977.

succeed Asquith in 1916 and did not take the advice of the outgoing Prime Minister. The same monarch prevented Lansbury from joining the first Labour Ministry, while George VI is stated to have intervened in cabinet-making on one occasion. "But this", says Taylor "was influence rather than prerogative"²⁰. We might ask what is the use of an institution if it is sterile. It was not intended by the framers of the Constitution that the President should be a mere figurehead. The new constitutional amendments have expressly made him so. There is so much in them that is unacceptable. They are no better than the edicts of the Congress party and cannot claim to reflect the will of the people²¹.

Both during her election campaigns and earlier, the major theme of Mrs. Gandhi's public utterances was the need for a strong Centre. Historical evidence proves the essential soundness of her point of view, but it does not follow that a strong principal government should exist only at the expense of the constituent units. India's body politic is one and indivisible and it can remain neither healthy nor strong if its limbs are also not sturdy. The continued retention of power at the Centre by the Congress and the unrivalled prestige and influence which Mrs. Gandhi enjoyed did not conduce to the evolution of sound Centre-State relations, so indispensable for an orderly and integrated growth of the country as a whole. Even in the days of Nehru, non-Congress ministries in the States felt insecure. Such insecurity and instability increased enormously under the Premiership of Mrs. Gandhi who made no distinction between Congress and non-Congress ministries in pursuit of power politics.

For many years Mrs. Nandini Satpathy enjoyed the confidence of Mrs. Gandhi, but she made the Himalayan blunder of failing to worship the rising sun in the person of Sanjay Gandhi. The Chief Ministership at once became a bed of thorns to her, with her colleagues within the party and the Cabinet turning against her. She resigned her office in December 1976 and later made common cause with Jagjivan Ram's party, Congress for Democracy. For the fourth time, the State came under President's

²⁰ *Essays in English History* by A. J. P. Taylor, Penguin Books, 1976. pp. 62, 64.

²¹ The amendments certainly contain some good points, the inclusion of Education in the concurrent list being one of them. It will facilitate the evolution of the long-delayed all-India educational policy.

rule. A new leader to head the Government needed to be elected. The Congress legislature party of the State, whose responsibility it was to select such a person, however, chose to genuflect before Mrs. Gandhi. It "prayed" her to indicate her choice which would be accepted "unanimously, enthusiastically and loyally"²². Where precisely is the autonomy of the States under such a dispensation?

The DMK party had long been a thorn in the side of the Congress in Tamil Nadu. Its ideas and ideals were unacceptable to most right-thinking persons, but it had managed to be in the saddle since the elections of 1967 when the Congress was badly mauled there and in many other States. The Governor was all praise for the DMK ministry till, presumably under New Delhi's directions, he made his report to the Centre against it. It was a remarkable sleight of hand that turned a certificate into an indictment. The Karunanidhi ministry was dismissed and President's rule was imposed on the State on January 31, 1976. Impartial observers were aghast at the Centre's unabashed invasion of the States' autonomy, as exemplified by the developments in Tamil Nādu and Gujarat.

In a letter to the Prime Minister, dated January 28, 1976, N. G. Goray and H. M. Patel, both distinguished Members of Parliament, said that they were watching with "increasing distress the blatant manner in which an unrelenting and an utterly unscrupulous campaign of misrepresentation and denigration is being waged against the Governments of Tamil Nadu and Gujarat". They further said: "It is a strange coincidence indeed that only the two non-Congress State Governments in the country should be found to be incompetent and wayward, while all the Congress Governments are found to be models of exemplary efficiency and competence". They further told the Prime Minister that conditions in the two States were "at least" as normal as they were in the rest of the country and that their administration was "no less competent"²³. Barely three days after this letter was written Tamil Nadu came under President's rule.

The Janata Front of Gujarat was governing the State well after it gained its electoral victory in June 1975, but a hostile Centre was determined to dislodge it from power at the earliest opportunity. Defections and disorder were encouraged so that

²² *The Times of India*, December 18, 1976, p. 1.

²³ *Opinion*, February 10, 1976, pp. 1, 2.

the nine-month old Janata Ministry was defeated by 87-89 votes. A new Congress ministry stepped into the vacancy on December 24, 1976, with Madhavsingh Solanki as Chief Minister.

There is little appreciation of the fact that India is an immense and variegated sub-continent where decentralised authority is most imperative. Refusal to recognise this fact led to instability even in the Congress-controlled States. Till recent months, it was necessary for the Chief Ministers to please not only the Prime Minister but also her son. H. N. Bahuguna, who was the Chief Minister of Uttar Pradesh from 1973 to 1975, went the way of Mrs. Satpathy since he failed to propitiate the young god. In a joint statement, issued by six Congress stalwarts on March 2, 1977 soon after they resigned from their party, they made these significant observations: "The most dangerous procedures have been adopted to topple those Chief Ministers who do not submit to the dictates of some individuals though they enjoy comfortable majorities in their respective legislature parties. Such ousters are achieved through intrigue, threat and allurement unknown in the history of the Congress"²⁴. Acharya Kripalani stated on March 15 that after the "rise" of Sanjay Gandhi, the Chief Ministers of Uttar Pradesh and Orissa were "ousted" and that Siddhartha Shankar Ray, Chief Minister of West Bengal, "escaped by chance".

Stating that *Garihi hatao* (push back poverty) had remained a mere slogan, the six ex-Congressmen asserted that the emergency had "generated the most ominous trends in our country which seem to be reversing not merely the promises and professions of the Indian National Congress since 1969, but decency and integrity in public life and also the rudimentary norms of democracy."

It would be pertinent to examine here whether the common man has really benefited from the emergency rule. Mrs. Gandhi and her party were most pertinacious in claiming that the economic gains from the emergency were substantial. While inflation in India had been "reversed" other countries were still struggling with the problem. The prices had been rolled back. Agricultural and industrial production had gone up and the country had a buffer stock of 19 million tonnes of foodgrains. In fact, India had reached the take off stage in her economic growth. To carry

²⁴ The signatories to the statement were Jagjivan Ram, H. N. Bahuguna, Mrs. Nandini Satpathy, K. R. Ganesh, N. D. N. Tewari and Raj Mangal Pandey.

conviction to the credulous they recalled what the President of the World Bank and other dignitaries visiting India said about the Indian Government's "achievements".

Inflation was under control only for a brief period and asserted itself from April 1976. Temporary price halts of certain items gave no real relief to the consumer. The official index of wholesale prices continued to rise and in the first week of March 1977 crossed even the earlier peak reached in September 1974. Examining this question, Professor B. R. Shenoy wrote: "Blinded by convenient theories we fail to realise that there is no remedy for inflation other than to stop it. If the householders failed to notice any inflation control on the market counters, it is because prices in general never really fell. Only the index numbers did"²⁵. It is true that agricultural production in 1975-76, yielding an output of 121 million tonnes of foodgrains, was satisfactory but the fall in the growth rate in the following year was undoubtedly an ominous portent.

The Indian people are chronically under-fed and the proud claim that, with a buffer stock of 19 million tonnes of foodgrains, the food situation in the country was satisfactory could impress no knowledgeable person. For a population of some 620 million people, this was by no means a big buffer. The fact that the poor still remain half-starved proves that such stock-piling is of no benefit to the masses. In the absence of adequate storage facilities, the Managing Director of the Food Corporation of India proposed the export of wheat. The Union Finance Ministry was also reported to have toyed with a similar idea when the people were starving. Surely, the emergency did nothing to help the deprived classes even to buy their food.

There was certainly an increase in industrial production which rose at 6-7 per cent a year. Despite this fact, there was a considerable shut-down of large, medium and small-scale factories all over the country. As many as 11,400 small industrial units had to close down due to credit squeeze. This is a formidable figure, considering that only 7,000 units had ceased production during the twenty-five years prior to the emergency rule. Over half a million workers were laid off in the first six months of

²⁵ *Index Numbers and Price Situation* by B. R. Shenoy, *Financial Express*, March 14, 1977, p. 4.

the emergency. The ban on strikes and bonuses crippled the ability of industrial workers to bargain for better wages, besides weakening their purchasing power. The cotton textile, jute and engineering industries were in a very bad shape. Today the cotton mill industry is passing through a crisis, the like of which it had not experienced for many decades. By the end of December 1976, as many as 39 mills had gone out of production, involving unemployment for nearly 47,000 textile workers.

The prospects for a bigger offtake of even essential articles like food and cloth are extremely poor when some 68 per cent of the population lives below the poverty line. The extent of unemployment is equally terrifying. "There are", says the Janata Party in its election manifesto, released on February 10, 1977, "eleven million unemployed on the register today, most of whom belong to the category of educated unemployed". At the same time, rural pauperisation has increased considerably. These are a great deterrent to the consumption of cloth, although it is next in importance only to food.

How poorly India's millions are clad was highlighted in a document prepared for a seminar on textiles held in September 1976. "The *per capita* annual consumption of cloth", the document revealed, "ranges widely from nearly one metre for the poorest 5 per cent of the rural households to 51 metres for the richest 5 per cent. The average consumption is 12 metres per head and 60 per cent of the households consume less than this average quantity. Another 10 per cent consume the average quantity of 12 metres. The quantities are particularly low for the bottom 40 per cent of the households (below 3.3 metres). Possibly they are too poor to afford any cloth on cash payment basis and will not be in a position to buy even the controlled cloth, however cheap it may be". A sizeable segment of the population thus hides its nakedness by "getting ragged or used clothes on barter basis or on charity"²⁶. With such irrefragable evidence of growing poverty and destitution in the country, it is cruel to claim that the emergency was like an oasis in India's social and economic desert.

²⁶ *Seminar on Clothing the Millions: Integrated Cotton and Textile Policies*, Approach Paper, National Institute of Community Development and the Indian Institute of Economics, Hyderabad, pp. 42, 43.

The ruling party could put on and put out the lights of democracy at will because there was no effective constitutional opposition to check its arbitrariness. The opposition parties had long chosen to cancel themselves out by the multiplicity of their number and by the inveterate habit of each to plough its own furrow. The ideological differences among most of them were more imaginary than real. At any rate, they were not so fundamental as to make unity impossible even to save the country from sliding into authoritarian rule. Though belatedly, the realisation came to them that both they and the forces of democracy would cease to exist if they failed to come together and weld themselves into a viable party with a single political and economic programme and functioning under a democratically-chosen leader. The Janata Party, comprising the merger of the Congress (O), the Jan Sangh, the Socialist Party and the Bharatiya Lok Dal, was born in January 1977 to meet this desperate and long-delayed national necessity.

Jayaprakash Narayan played a leading role in bringing about this happy result. The reactions to the formation of the Janata Party were both varied and significant. While Jagjivan Ram welcomed its advent as a "major political development", Mrs. Gandhi dismissed it as a "hotch-potch" of opposing creeds and ideologies. On numerous occasions, she had said that parliamentary democracy was the best form of government for India, but no such system can function effectively unless there are two parties, each ranged against the other from a position of strength. The Janata Party was formed to meet this need. Instead of welcoming it, Mrs. Gandhi overwhelmed it with angry criticism, telling those who elected to welcome it "to go to hell"! Her son could, of course, be trusted to do better. He described the parties comprising the new organisation as donkeys and its supporters as traitors!!

The cup of Mrs. Gandhi's bitterness overflowed when Jagjivan Ram, the senior-most member of her Cabinet and standard-bearer of the numerous community of Harijans, resigned his office as Minister for Agriculture, besides sundering his nearly half a century's connection with the Congress. His withdrawal from the Government and the ruling party on February 2, 1977 was not just a storm in the tea cup. While it proved catastrophic to the Congress, it vastly strengthened the forces of democracy in the country. He created a party of his own which he called

Congress for Democracy and became its Chairman just as Morarji Desai was selected to preside over the Janata Party. Though separately constituted, the two parties pledged themselves to work as a single organisation to fight the March elections and later give up their distinctiveness.

The sixty-nine year old Jagjivan Ram is an able administrator and an astute politician. The timing of his resignation proves the keenness of his political perception. There is reason to believe that Mrs. Gandhi esteemed him. She had come to his rescue when he was attacked for failing to submit his incometax returns. He in his turn loyally defended her government during most of the emergency period. Even so, the understanding between the two was not complete. When the Allahabad High Court convicted her of improper electoral practices, a large number of Congressmen wanted her to step down temporarily in favour of Jagjivan Ram till the Supreme Court gave its final verdict. Instead of adopting this democratic procedure, she willingly listened to her son's counsel not to cede the Premiership to anybody²⁷. She chose the most extraordinary and dangerous device of saving her position by clamping down emergency rule on the country. In an interview to a Bombay weekly, Jagjivan Ram said: "When the Allahabad judgment was out, they (Congress members) thought that the Prime Minister should resign. They also thought that I might be one of the alternatives. Well, of course, anybody who might have been inducted then, would necessarily be a nominee of Mrs. Gandhi. For a while Mr. Swaran Singh's name was heard, for sometime my name too was heard"²⁸.

It may be that part of Jagjivan Ram's dissatisfaction with Mrs. Gandhi's Premiership arose out of his personal frustration, but there is no doubt that he became uncomfortable after the imposition of the emergency. He was right in choosing his own time for resigning, for had he stepped down at the height of the authoritarian rule, he would have shared the fate of thousands of detenus, with not a voice or a line in the press to tell where he was immured. His premature withdrawal would have served neither his personal nor the national interests. The relaxation of the emergency, the announcement of the elections and the

²⁷ *The Economist*, February 5, 1977, pp. 68, 70.

²⁸ *Blitz*, March 5, 1977, pp. 14, 15.

formation of the Janata Party gave a new turn to the country's politics. His resignation in February 1977 at once raised him to national stature which he would probably have never acquired had he surrendered to impatient idealism.

The opposition forces acquired a further accession of strength when Mrs. Vijayalakshmi Pandit, the aunt of Mrs. Gandhi, gave her unreserved support to them. A lady of great distinction, who had attained many high positions during the Premiership of her brother, Jawaharlal Nehru, Mrs. Pandit minced no words when she asserted that her niece's government was "far more repressive in many ways that it was under the British". She added: "One can't govern simply by clapping into jail everyone who disagrees"²⁹. On March 5, 1977 she revealed that she had been receiving pathetic letters from young people in jail. She herself, she maintained, would have been thrown into prison had she dared to come out into the open earlier³⁰. Jagjivan Ram was, therefore, wise in not forcing the issue prematurely.

His revelations relating to Mrs. Gandhi's style of working as Prime Minister are of great importance to students of constitutional history. As I have pointed out earlier in this book, there was no collective responsibility in the Nehru cabinet. Since Mrs. Gandhi looks upon her father as her exemplar in everything, there is reason to believe that the salutary policy of subjecting every important issue to a full and free discussion in the Council of Ministers was not much in vogue under her Premiership also. According to Jagjivan Ram, the Cabinet was only informed about such momentous decisions as the declaration of emergency and the holding of elections to the Lok Sabha. On March 3, 1977, he declared at a public meeting that after she became Prime Minister, Mrs. Gandhi concentrated all power into her own hands. During the emergency she turned the Government machinery and the Congress into a "one-and-a-half person's" rule.³¹

The 1977 split in the Congress was incomparably more serious than that of 1969. The bickerings of the earlier year were watched

²⁹ Interview to the Delhi correspondent of *The New York Times*, published in Indian papers on February 14, 1977.

³⁰ *Sunday Standard*, March 6, 1977, pp.

³¹ *The Economic Times*, March 4, 1977, p. 1.

by the people either with amused interest or with disgusted indifference. They treated the quarrel with indulgence because they knew that Congressmen regarded faction-fighting as their birth-right. Besides, many of those from whom Mrs. Gandhi and her adherents separated did not count for much in national politics. The current year's division in the party was of wholly different dimensions. The 1969 disunity did not adversely affect Mrs. Gandhi's chances of remaining in power or of winning the ensuing elections because the opposition parties were even more divided and distracted. They offered no threat at all to her position. With the votes split among a multiplicity of parties, the Congress was sure to win. The formation of the Janata Party, however, gave a new turn to national politics. The prospect of the Congress riding back to power on minority votes became considerably dim.

In 1977 both the Janata Party and Jagjivan Ram gained considerable support from the people which S. Nijalingappa and his group had failed to secure eight years before. The imposition of the emergency, the arbitrary arrest of tens of thousands of people, the detention of a large number of leaders, many of them aged and infirm, the perpetration of leonine violence on a defenceless population in the name of social reform, and the non-fulfilment of even the most solemn pledges to the deprived classes, caused countrywide resentment against the ruling party. These facts, his epic sacrifice for the country and his grave physical maladies helped to lift Jayaprakash Narayan to legendary fame and popularity. Other leaders like Jagjivan Ram, Morarji Desai, Atal Behari Vajpayee also became the esteemed leaders of the masses. During their election campaigns they drew crowds of breath-taking size, the like of which only Mrs. Gandhi could attract for sometime and in some parts of the country—mostly in the non-Hindi-speaking areas. The other Congressmen found themselves left high and dry.

Confronted by such a formidable opposition, the Congress went to the polls after making the most extravagant claims about its achievements and promises for the future. Its election manifesto called attention to the past greatness of the party by recalling the names of many of its illustrious leaders and asserted that it alone was capable of protecting the country from chaos and of taking it forward to prosperity. "The new economic programme".

says the boastful document, "has contained and reversed inflation, an unparalleled achievement in the world. While a large number of countries are still struggling with the problem of inflation, India has succeeded through bold and firm measures, in combating it". How untenable this claim is has already been discussed. I have also shown how the gains made in the agricultural and industrial sectors were not durable and certainly did not help the common man in raising the level of his living. The claims made by the party in various other fields of national activity equally lacked credibility, but this did not deter it from painting a rosy picture of the shape of things to come.

"The aim of the Congress", says the document, "is to wage war against poverty, unemployment, ignorance, disease and disparity. Its object is to remove peacefully and through the constitutional machinery of the democratic state everything that stands in the way of establishing a free, democratic and socialist society". The party presented to the people a promisory note of twelve points and, with its characteristic weakness for slogans, regaled the reader with these meretricious words: "Poverty must go, disparity must diminish and injustice must end".

The Janata Party's manifesto, dated February 10, 1977, complained that the crucial March election had been made a "grossly unequal contest in relation to time, resources and the continuing application of emergency provisions". During the rigorous operation of the emergency the country went through a "nightmare of fear and humiliation reminiscent of the days of foreign domination". Discussing the "gains" of the emergency, it conceded that there had been some increase in production but this was after the earlier lags "on account of the Government's own failures". After recalling the sorry state of the industrial sector, the manifesto pointed out that even the reduced steel output could not be consumed inside the country. The document pointed out that higher exports "in many fields like steel, cement and aluminium are a symptom of the deep recession in our own country, or the result of a deliberate attempt to promote exports at the cost of domestic consumption". While real wages had fallen, there was a growing impoverishment of the people.

The manifesto committed the Janata Party to give primacy to agriculture and to have a fresh look "at the pattern and perspective of industrialisation". It would concentrate on producing

wage goods necessary for mass consumption and on encouraging small-scale industries to provide full employment to the people. It would also formulate and implement a national incomes, wages and prices policy based on certain well-defined principles. The party would establish a civil rights commission "to ensure that the minorities, scheduled castes and tribes, and other backward classes do not suffer from discrimination or inequality". It concluded its appeal to the people with these words: "Janata promises an open government in a free society and will not misuse the intelligence services and governmental authority for personal or partisan ends".

The Congress for Democracy, which released its election manifesto on February 21, 1977, promised that it would undo all the mischiefs and misdeeds that had been perpetrated on the country in the name of emergency and restore to the people their rights and liberties as originally guaranteed under the Constitution. The party would strive for industrial growth and ensure that the public sector was given due importance. It also stood for the "full participation of workers at all stages in industry". "Single-minded" efforts would be made to bring education to every section of the community. "Equality of educational opportunity" says the manifesto, "has to be enforced and not to be allowed to be a paper scheme". Special attention would be given to the "problems and needs felt by all minority communities, religious or linguistic". In an earnest appeal to the people to make a right choice of their rulers in the March elections, the Congress for Democracy said: "You are face to face with life and death, liberty and slavery, people's rule and open society or rule by a caucus". If the choice was wrong, "a dark night shall descend on our people which will continue for decades to come". With such battle cries the contending parties entered the electoral fray in March.

The Congress went to the polls with supreme confidence that it would win a bigger majority in the Lok Sabha than in 1971. The voting population had increased to nearly 320 millions who were called upon to elect 542 members. The ruling party's optimism was not misconceived. It was in a far more advantageous position than its rivals. It was the only party whose organisation had penetrated deep into the countryside—the great reservoir of votes. Apart from the fact that it had always emerged triumphant

phant from all such contests in the past, its resources to fight the electoral battle were almost unlimited. The State-controlled mass media and the obsequious news agency, Samachar, made no bones about weighting the scales heavily in favour of the Congress. Mrs. Gandhi's personality was sedulously built up to create an impression among the voters that India would fall to pieces without her stewardship. The ruling party believed that with such advantages on its side the famished and unlettered millions could be tricked into voting it back to power.

The Congressmen, however, made one fatal mistake. They signally failed to measure the extent of the voters' disillusionment or the depth of their resentment over the Government's mistakes and misdeeds. In the chapter on elections in this book, I have shown how in States like Uttar Pradesh and Orissa, where elections to the Assemblies were held in February 1974, there was general dissatisfaction in the countryside on account of the growing impoverishment of the masses. Even so, the Congress succeeded in winning their suffrage by making the most extravagant promises to them. *Garibi hatao* was the quintessence of these pledges. Since nothing worthwhile was done to relieve their misery in the intervening years, the voters gained the impression that the Congress did not mean business. They found that it was only lavish in distributing post-dated cheques on non-existent banks. Perhaps, to the stoical masses even broken pledges would not have mattered much. But they were roused to paroxysms of rage when a veritable reign of terror was let loose in many parts of northern India in pursuit of family control programme. Compulsion, accompanied by unbridled brutality, in a matter affecting their private lives and intimate beliefs, angered them as nothing else could. They decided that the Congress should no longer preside over their destiny.

It was a remarkable decision but even more remarkable was the manner of its implementation. It was as though the voters in the Hindi-speaking region, immense both in size and population, had met in conference and resolved after due deliberation that the ruling party should be humbled at the polls. As the discomfiture of the Congress showed, even a pre-planned consensus could not have yielded such tremendous results. Seventy per cent of the Indian people are illiterate, besides being burdened with crushing poverty. Caste and tradition still govern their way of

life and yet the voters of northern India, who share these infirmities in full measure, decreed that the Congress should cease to govern the country. What happened was little short of a revolution, whose advent and magnitude few anticipated. It was perhaps unique in the electoral history of any country.

But even this mighty and unexpected upheaval would not have materialised if there had been no national alternative to the Congress. The Janata Party and its principal ally, the Congress for Democracy, provided the essential focus. Both were newly born and both lacked organisation and resources to face the ruling party at the polls on equal terms. But they possessed the inestimable asset of popular support which was denied to the Congress. In these circumstances, the defeat of the ruling party was inevitable. It is true that it fared well in the southern States of Andhra Pradesh, Karnataka, Tamil Nadu and Kerala and not badly in Maharashtra and Gujarat, but this was largely because the excesses of the emergency were not felt so much in them as in the north. In many parts of the Hindi-speaking States, the people dreaded and hated the Congress regime nearly as intensely as their ancestors feared the Pindari freebooters and the hangmen of the highways, the *thags*. Just as the terrorised population of those days poured benedictions on the British Raj for liberating them from fear and humiliation, the voters of the north insured their security from insult and violence by putting the Janata Party in power at the Centre, the citadel of Indian sovereignty.

On the day the sixth Lok Sabha assembled, March 25, 1977, the results of only three seats out of 542 remained to be announced. The party position on that day was: Janata Party 271, Congress for Democracy 28 and Communist Party of India (Marxist) 22, the last-named party being the electoral ally of the other two. The Congress managed to win only 153 seats. It drew a blank in such important States as Uttar Pradesh, Bihar, Punjab, Haryana, and Himachal Pradesh and was similarly routed in Delhi, India's capital where it had reigned supreme for nearly thirty years.³² Madhya Pradesh and Rajasthan sent up just one Congressman each although their representation in the Lok Sabha was 40 and 25 seats respectively. West Bengal, with its 42 seats,

³² A similar disaster overtook Congress candidates in the city of Bombay where all the six of them were heavily defeated.

chose only 3 Congressmen while Orissa, having 25 seats, selected only 4 members from that party. Thus, ten States, commanding 299 Lok Sabha seats or more than 50 per cent of its total strength, opted for only 9 Congressmen. The erstwhile ruling party could now claim barely 3 per cent representation in that chamber from such a vast and vital region. And yet not long ago it never wearied in asserting that it alone was the true representative and saviour of the country.

In addition, many shining lights of the party were extinguished. Mrs. Gandhi's defeat was most unexpected and incredible, but, according to all right-thinking persons, well-deserved. She has perhaps many estimable qualities, but she lacked the knowledge and statesmanship to grapple with the country's problems. Equally disconcerting was her passion for power which caused the total eclipse of democratic rule in the country for nineteen months. It was perhaps in the fitness of things that she should be defeated in the same constituency, Rai Bareilly, which had helped her to rise to such heights of power as even her great father could not reach. It was no less appropriate that Raj Narain, her long-standing and doughty opponent, should be the cause of her political downfall. His victory over her by 55,000 votes was decisive. She did the right thing by resigning her Premiership on March 22, 1977. With her went the remnants of the emergency rule and all the lawless laws that had been promulgated in its support.

As Law Minister, H. R. Gokhale, did maximum damage to the Indian judiciary and to the cause of human rights. The zeal with which he piloted the Constitution amendments in Parliament, knowing well that they were subversive of the very foundations of democratic rule, and the relish with which he denigrated the judges and the law courts of the country deserved unqualified condemnation. It was indeed necessary that such a person should not remain in office. This is precisely what the March elections ensured. He was defeated by a fellow-member of the legal profession, Ram Jethmalani, by over 93,000 votes from a Bombay constituency.

Nemesis also overtook Bansi Lal, the Defence Minister. A man of no substance, he scaled the heights of power only to misuse it. As Chief Minister of Haryana, he contributed in no small measure to the enlargement of the area of corruption.

intrigue and chicanery. It is most astonishing that a man of his calibre should have been entrusted with the key and prestigious portfolio of Defence. He played no small part in encouraging the volatile and immature Sanjay Gandhi in his various misadventures. Both deserved their electoral debacle. Mrs. Chandrawati, Bansilal's cousin, defeated him by more than 160,000 votes in the Bhiwani constituency, while in the Amethi constituency Sanjay Gandhi was routed by Ravindra Pratap Singh by nearly 76,000 votes.

Another swollen head that rolled on the electoral guillotine was that of the Information and Broadcasting Minister, Vidya Charan Shukla, from the Raipur constituency in Madhya Pradesh. An independent press and assertive journalists caused him inveterate bitterness and he considered no weapon unworthy for bringing both to heel. He had some of his finest hours during the emergency rule when a lie could be passed off as truth with complete impunity. He was responsible for bringing the radio and the television into disrepute by making them servile instruments of the ruling party and more especially of Mrs. Gandhi and her son. He had, we are told, "a unique flair for arrogance". He combined amazing extravagance with insufferable insolence, his telephone bills amounting to Rs. 1,60,000—a staggering sum of money which was paid by the Union Government on March 24, 1977. He deserved to be exiled from politics and was well and truly trounced by his Janata Party rival, P. L. Kaushik, in every round and on all the 112 counting tables by a margin of over 83,000 votes.

The March elections culminated in the massacre of ministers. All categories of these functionaries belonging to the Union Ministry, suffered heavy casualties. According to Samachar's report, published on March 23, 1977, more than two-thirds of those ministers who contested the elections were unsuccessful. Among the Cabinet Ministers who lost were Mrs. Gandhi, H. R. Gokhale, Bansi Lal, G. S. Dhillon, K. D. Malaviya and Dr. Shankar Dayal Sharma. Generally speaking, those ministers whose constituencies were south of the Vindhyas escaped the holocaust.

It is impossible to give any credit for the convulsive happenings of March 1977 to the English-educated classes. The glory belongs wholly and entirely to the unlettered and impoverished

masses who were at no time taught the value of the vote. On the contrary, since the first general elections in 1952, the politicians did everything in their power to corrupt the mind and morals of the voter and to mislead him. Casteism, communalism, linguism and regionalism were preached for the sordid purpose of winning the votes. Bribes were freely given to corrupt the needy and other voters and the superstition of the illiterate Hindu masses was sought to be strengthened by encouraging blind acceptance of the Congress symbol of cow and calf. And yet the people, especially those of northern India, did not succumb to such deceptions and allurements. They rose to the supreme heights of wisdom by exercising their franchise according to their own independent judgment.

It was, of course, too much to expect the vast mass of illiterate voters to appreciate the revolutionary significance of the vote, but they knew that it did confer on them the power to end despotic rule. Thus, perhaps unwittingly, but to the immense gain of Indian democracy, the voter came of age. Thanks to the new awakening in him, the necessary two-party system, which had eluded the politicians for so long, has now become a reality. A new era has thus dawned upon political India. The March miracle was rightly acclaimed by President Carter of America as an inspiration to the rest of the world.

For the first time since independence the principal government of the country has come under the control of a non-Congress party. Morarji Desai, leader of the Janata Party, has become the fourth Prime Minister of India and assumed that office on March 24, 1977. Both at a press conference and at a public meeting in the capital, the new Prime Minister pledged himself and his party to strive wholeheartedly for removing poverty and unemployment. He also promised to repeal all hateful laws and to restore to the Constitution its original effectiveness as the true repository of the people's rights. All patriotic Indians wish him and his colleagues every success in their difficult undertaking.³³

³³ The following persons were selected as Cabinet ministers of the Union Government on March 26-27, 1977: Jagjivan Ram, Charan Singh, H. M. Patel, Atal Behari Vajpayee, H. N. Bahuguna, Biju Patnaik, Shanti Bhushan, P. C. Chunder, Brij Varma, Mohan Dharia, Prakash Singh Badal, Madhu Dandavate, Sikandar Bakht, L. K. Advani, Ravindra Varma, Raj Narain, George Fernandes, Purshottam Kaushik, P. Ramachandran.

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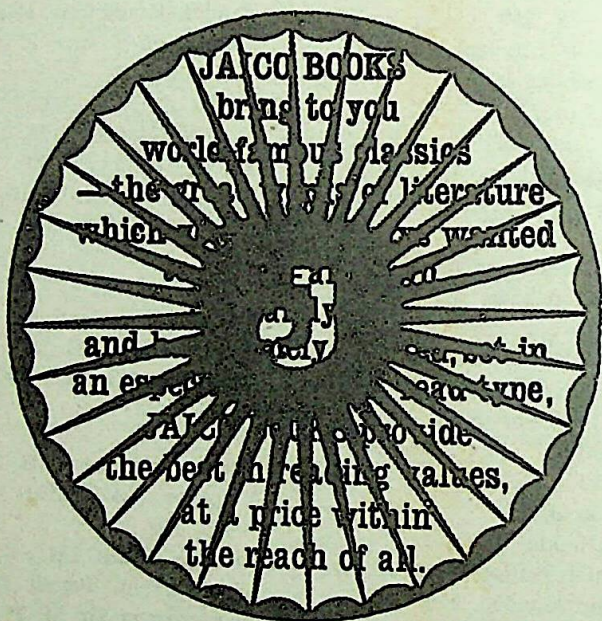
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THE AUTHOR

Journalist and author, Shri V. B. Kulkarni is an experienced writer with many widely-read publications to his credit. More than three decades ago, he joined journalism at a special correspondent for several national dailies and later became leader writer in a Bombay newspaper.

Shri Kulkarni served on **The Ceylon Daily News**, Colombo, for two years and returned in 1947. He took up the Editorship of **The National Standard** and **The Sunday Standard** before the former was converted into the present **Indian Express** and edited his papers with much distinction.

Shri Kulkarni has so far written twelve books, dealing with a wide variety of subjects. His works have won wide recognition both in India and abroad for their uniform excellence. Four of them have been prescribed by the University of Bombay for study by the B. A. students. One of these is intended to be studied by M. A. students also.

Besides contributing articles frequently to **The Indian Express** and **The Sunday Standard**, Shri Kulkarni writes for learned journals. He also teaches in a Bombay College of journalism.

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